REPORT SUMMARY

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

Date of Consideration: **March 12, 2015** **TIME: 10:55 A.M.**

File Number: **B131/14**

Applicant: **Gordon & Sharon Graham**

Subject Lands: TOWN OF ERIN – Part Lot 7, Concession 1

Proposal is a request for consent to convey fee simple for a proposed severance 1.8 hectares in the TOWN OF ERIN – Part Lot 7, Concession 1, vacant land for proposed rural residential use. Access to be obtained from Sandalwood Drive, over Block 29, Reg Plan 845, Part 1 on Plan 61R-7098; retained lands are 1.9 hectares.

ISSUES: CVC – recommend defer; County Planning – size of severed parcel
Neighbour concerns – note some comments were received by neighbours before the circulation of the Notice of Application was sent to them.

SUMMARY of FILED REPORTS and COMMENTS:

Town of Erin – in support of application; conforms to Official Plan and Zoning; conditions to apply

County Planning - notice cards were posted; Secondary Agriculture and Core Greenlands – one new residential lot may be allowed from parcel of land within Secondary Agricultural designation existing on March 1/05 – would prefer a smaller 1 to 2 acre severed lot the size of lot normally needed to accommodate the intended residential use; note that proposed lot is adjacent to Hamlet of Ballinafad – in terms of Urban Area Protection Policies (Section 4.7.1) we have no concerns in this regard; no other concerns provided that servicing can be provided to the Town's satisfaction; condition

Conservation Authority (Credit Valley) – property partially located within Provincially Significant Acton Silver Creek Wetland complex; recommends deferred until the wetland boundary is staked, modify the severance limit and confirmation of a suitable building envelope; proposed new lot to be set back at least 30m from the limit of the PSW

Note: circulation of the consideration of application will be mailed to all neighbours on list provided by Town of Erin –Margaret Hobbs and Andrew Knowles have provided a petition signed by residents

Neighbour concerns - increase in traffic, safety concerns; reduction in frontage; drop in property value; street light on the same space as the appeasement; an access road and driveway can be accommodated using the existing driveway leading from the Halton/Erin Town line. This will allow the established community on Sandalwood Drive to continue as it has for the past 30 years.
Randy Malcolm, (6 Sandalwood Dr, Ballinafad ON N0B 1H0) – new street seems like a very substantial change to community; question future usage of severed
Mark Garrod & Laurie Weston (10 Sandalwood Dr. P.O. Box 265 Ballinafad N0B 1H0) – oppose plan to create an access from Sandalwood Drive over Block 29; no planned access to vacant land from Sandalwood (Town O.P.) – request notification of consideration and decision
Tanya Elimantas & Mark Reich (Box 7, 29 Sandalwood Dr. Ballinafad, ON, N0B 1H0) – specifically object to proposed access to subject lands from Sandalwood Drive; – request notification of consideration and decision
Herbert Arnold (Arnold & Foster – Suite 201 – 232A Guelph Street Georgetown, ON L7G 4B1) – Clients Mr. & Mrs. Goran Falak – the owners of Block 28, Plan 745 which is accessed via a right or way over Parts 1 and 2, Plan 61R-7098 – opposed; severed has no frontage on a public road as required by current zoning; access concerns – request notification of consideration
Gil and Marika Alves (16 Sandalwood Drive Ballinafad, ON N0B 1H0) – particular concern with respect to increased traffic, noise and decrease in property value (responding email from Land Division Clerk regarding notice)
Bernie Webber (11 Sandalwood Drive P.O. Box 11 Ballinafad, ON N0B 1H0) – concerns with traffic; existing wetlands; request notice of 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 B131/14.

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 Town of Erin road authority in a manner deemed acceptable to that Town of Erin for an entrance to the severed and retained parcel; and further that the Town of Erin 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 local municipality, financial and otherwise 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 Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
7) 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.
8) THAT the owner satisfy the requirements of the Town of Erin concerning road widening conveyances along the frontage of the retained parcel; and that the Town of Erin files with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
9) THAT the owner provide a predevelopment site drainage and grading plan to the satisfaction of the Town of Erin (denoting the existing lot elevations, proposed driveway, buildings/septic field location and existing overland flow together with proposed elevations and grading, demonstrating that drainage and grading do not impact on adjacent properties or trees noted for preservation); and that the Town of Erin files with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
10) THAT the Owner provides written confirmation from a licensed septic installer that the existing septic system is functioning properly and the required setbacks from property boundaries are in compliance with the Ontario Building Code to the satisfaction of the Town of Erin; and further that the Town of Erin file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition
11) THAT the Owner achieves zoning conformity with regard to provision of frontage on a public street to the satisfaction of the Town of Erin; and that the Town of Erin file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
12) THAT the applicant obtains Town of Erin Council approval in regard to access to the proposed lot, as it relates to Town owned Block 29 RP 745 Parts 1 & 2, Reference Plan 61R-7098; and further that the Town of Erin file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
13) THAT the County of Wellington Planning Department submit to the Secretary-Treasurer of the Planning and Land Division Committee written approval which indicates that the Minimum Distance Separation required under Formula 1 are met.

*****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

February 26, 2015

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 B131/14

APPLICANT

Gordon Graham
PO Box 40
Ballinafad ON N0B 1H0

Sharon Graham
200 Churchill Rd. S
Apt. 506
Acton ON L7J 2J7

LOCATION OF SUBJECT LANDS:

TOWN OF ERIN
Part Lot 1
Concession 7

Proposal is to sever 1.8 hectares, vacant land for proposed rural residential use. Access to be obtained from Sandalwood Drive, over Block 29, Reg Plan 845, Part 1 on Plan 61R-7098.

Retained parcel is 1.9 hectares with 43m frontage, existing and proposed rural residential use with existing house.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, March 12, 2015**

AT 10:55 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: **Applicant – Gordon Graham** **Applicant – Sharon Graham**
Agent – Rod Finnie **Others: See attached list.**

MUNICIPALITY COMMENTING FORM

The Planning and Land Division Committee, in considering the following application, respectfully requests input from the municipality. The Application and Sketch are enclosed for your information.

FILE NO: B131/14

APPLICANT

Gordon Graham
PO Box 40
Ballinafad ON N0B 1H0

Sharon Graham
200 Churchill Rd. S
Apt. 506
Acton ON L7J 2J7

9358 HE Townline

LOCATION OF SUBJECT LANDS

TOWN OF ERIN
Part Lot 1
Concession 7

Proposal is to sever 1.8 hectares, vacant land for proposed rural residential use. Access to be obtained from Sandalwood Drive, over Block 29, Reg Plan 845, Part 1 on Plan 61R-7098.

Retained parcel is 1.9 hectares with 43m frontage, existing and proposed rural residential use with existing house.

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 02-065

Does this description reasonably describe the parcel holdings? YES(✓) NO( )

If answer is no, please provide new information: _____

Do you consider this proposal to conform to your Official Plan? YES(✓) NO( )

What Section(s) does it conform to or contravene? (Please specify)

_____

_____

Will the Severed Parcel comply with all requirements of the Zoning By-law? YES[✓] NO [ ]

(Please Specify) _____

Will the Retained Parcel comply with all requirements of the Zoning By-law? YES[✓] NO [ ]

(Please Specify) _____

If Necessary, would the Municipality be prepared to consider an **Amendment** to the Zoning By-Law to permit the proposal to conform? YES( ) NO( ) N/A( ) or **Minor Variance** YES( ) NO( ) N/A( )

Is proposal on an opened maintained year-round public road YES(✓) NO( )
If answer is NO, is municipality willing to enter into an agreement regarding use of the seasonal road, or opening up the road ?

Please specify _____

_____

Is the Proposed Lot(s) serviced now by Municipal Water YES( ) NO(✓)

Is the Retained Lot serviced now by Municipal Water YES( ) NO(✓)

Is the Proposed Lot(s) serviced now by Municipal Sewers YES( ) NO(✓)

Is the Retained Lot serviced now by Municipal Sewers YES( ) NO(✓)

Is there a **Capital Works Project** underway to service these lots in the near future YES( ) NO(✓)

Approximate Time of Servicing Availability: _____

Are there any other servicing arrangements, Municipal easements <u>or</u> Municipal Drains on the subject lands?

Continued to Page 2

MUNICIPALITY COMMENTING FORM

FILE NO: B131/14

Is the Municipality's Building Official satisfied that there is a sufficient site on the severed parcel for individual well and septic services?
YES [✓] NO [ ]

Is there any further information that may assist the Planning and Land Division Committee?
[A letter may be attached if there is insufficient space to explain]

See attached

Is the Municipality in support of this application? **YES(✓)** NO( )

What Conditions, if any, are requested by the Municipality if the Consent is granted?

Does the Municipality request a Notice of the Decision? YES(✓) NO( )

SIGNATURE _____

TITLE: PLANNER, TOWN OF ERIN

ADDRESS: 5684 Trafalgar Rd RR2 HILLSBURGH ON

DATE: Jan 21/14

Corporation of the Town of Erin
5684 Trafalgar Road
RR2 Hillsburgh ON N0B 1Z0
(519) 855-4407 Ext. 240 Fax: (519) 855-4281
EMAIL: sally.stull@erin.ca

RECEIVED
FEB 18 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Severance Application Recommendation

To: County of Wellington Land Division Committee
From: Sally Stull, Planner, Town of Erin
Date: January 21, 2015
Applicant: Gordon and Sharon Graham
Location: 9358 Halton-Erin Townline
File: B131/14

Official Plan: Secondary Agricultural
Zoning: A- Agricultural

Recommendation: The Town of Erin relies on the County of Wellington to confirm compliance with Minimum Distance Separation Formulae. The Town of Erin requests that the following conditions of approval be required. The Town of Erin will file clearance of these conditions with the Secretary-Treasurer of the Committee of Adjustment once the conditions have been fulfilled.

1. That the owner satisfy all the requirements of the local municipality, financial and otherwise 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 Local Municipality file with the Secretary-Treasurer of the Land Division Committee a letter of clearance of this condition.

2. That the owner pay parkland dedication and satisfy any other requirements of the local municipality, financial and otherwise to 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.

3. That the owner convey to the Town of Erin on both the severed and retained parcels of land, a road widening, to achieve a 13m right-of-way from the centerline of the Halton-Erin Townline. The parcel(s) conveyed must be free of liens and encumbrances.

4. That the owner provides written confirmation from a licensed septic installer that the existing septic system is functioning properly and the required setbacks from property boundaries are in compliance with the Ontario Building Code.

5. That the owner provide a predevelopment site drainage and grading plan to the satisfaction of the Town of Erin, denoting the existing lot elevations, proposed driveway, buildings/septic field location and existing overland flow together with proposed elevations and grading, demonstrating that drainage

and grading do not impact on adjacent properties or trees noted for preservation.

6. That the applicant obtains Town of Erin Council approval in regard to access to the proposed lot, as it relates to Town owned Block 29 RP 745 Part 1 & 2, Plan 61R-7098.

7. That the owner receive approval from the Town of Erin road authority in a manner deemed acceptable to the Town of Erin for an entrance to the severed and retained parcel; and that the Town file with the Secretary-Treasurer of the Land Division Committee a letter of clearance of this condition.

8. That the applicant achieves zoning conformity with regard to provision of frontage on a public street.

Planning and Development Department | County of Wellington
County Administration Centre | 74 Woolwich Street | Guelph ON N1H 3T9
T 519.837.2600 | F 519.823.1694

RECEIVED
JAN 16 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Application	B131/14
Location	Part Lot 1, Concession 7 TOWN OF ERIN
Applicant/Owner	Gordon Graham

PLANNING OPINION: This application would sever a vacant 1.8 ha (4.4 ac) rural residential lot in a Secondary Agricultural area. A 1.9 ha (4.7 ac) lot with an existing dwelling would be retained.

We would prefer a smaller 1 to 2 acre severed lot.

We would have no other concerns provided that servicing can be provided to the Town's satisfaction and that the following matters are addressed as conditions of approval:

a) That safe driveway access to Sandalwood Drive is available for the severed parcel to the satisfaction of the Town of Erin;
b) That any concerns of the Conservation Authority can be addressed; and
c) That Farm Data Sheets demonstrating compliance with Minimum Distance Separation 1 (MDS1) requirements are provided to the satisfaction of the County Planning and Development Department.

PLACES TO GROW: No issues.

PROVINCIAL POLICY STATEMENT (PPS): Section 1.1.4 states that "In rural areas located in municipalities... a) permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses;... c) new land uses, including the creation of lots shall comply with the minimum distance separation formulae".

With respect to Minimum Distance Separation 1 (MDS1), there is a barn noted on the survey sketch (4946 Trafalgar Road) within 266 m of the new lot. We require a Farm Data Sheet for this facility to determine if MDS1 requirements can be met.

Under Section 2.1.6 development and site alteration shall not be permitted in or adjacent to natural heritage features and areas such as significant wetlands unless the ecological function has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

GREENBELT PLAN: This property is located within the rural area of the Protected Countryside.

WELLINGTON COUNTY OFFICIAL PLAN: The subject lands are designated SECONDARY AGRICULTURAL and CORE GREENLANDS. The Greenlands System designations protect hazard lands and significant wetlands.

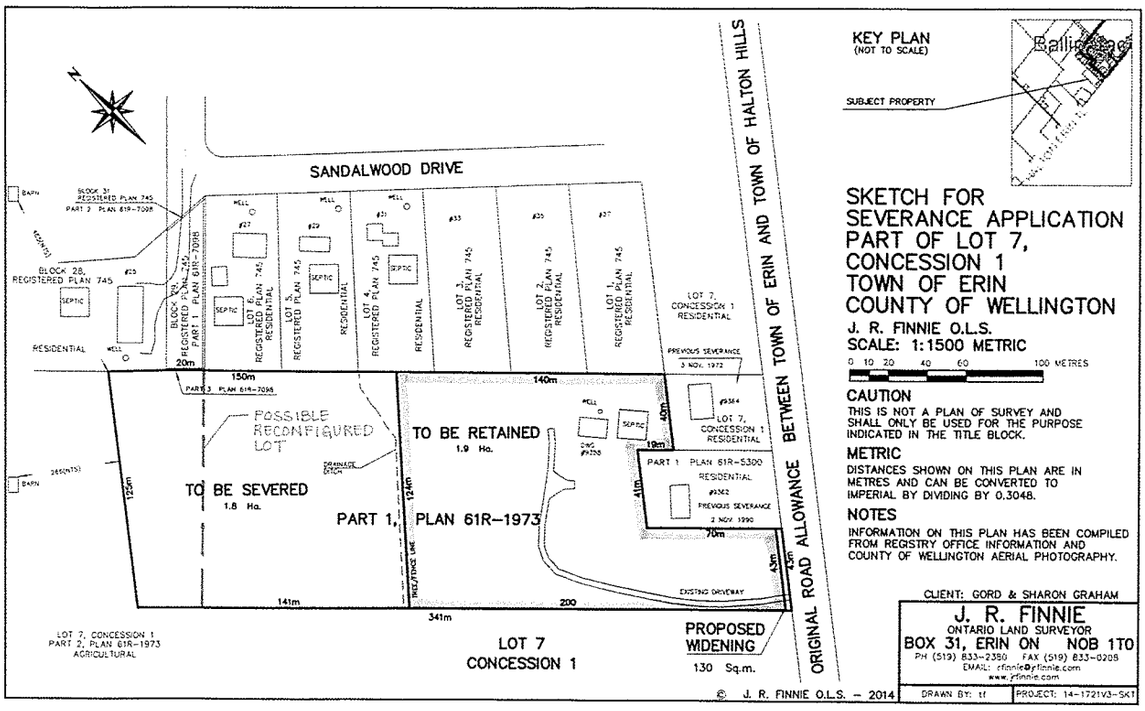
According to Section 10.4.4, one new residential lot may be allowed from a parcel of land within the Secondary Agricultural designation, which existed on March 1, 2005, subject to the following criteria:

a) The lot generally meets a 0.4 ha minimum lot size and is not larger than needed to accommodate the intended residential use, consisting of the dwelling, accessory buildings and uses, and individual sewage and water services, while taking into account site constraints such as grading, sightlines, natural heritage features, hazardous lands, and Minimum Distance Separation requirements;
b) The accessory buildings referred to in a) above may include a hobby barn, subject to local regulations;
c) The lot has access to an open public road;
d) The residential use will not hinder or preclude the present use or future potential for agricultural or mineral aggregate operations;
e) The residential use is compatible with surrounding development;
f) The use is well removed from any settlement boundary;
g) The lands have been owned by the applicant for at least five years.

With respect to item (a), at 1.8 ha (4.4 ac) the new lot is larger than preferred. We have indicated an alternate configuration (Figure 1) which would be in keeping with the 1 to 2 acre size of lot normally needed to accommodate the intended residential use.

Planning and Development Department | County of Wellington
County Administration Centre | 74 Woolwich Street | Guelph ON N1H 3T9
T 519.837.2600 | F 519.823.1694

Figure 1 Potential Lot Reconfiguration



The matters under Section 10.1.3 were also considered including d) "that all lots will have safe driveway access to an all-season maintained public road". We have discussed how access would be provided to the severed parcel with the town's planner, Sally Stull. She advised that a driveway via block 29, Registered Plan 745 (subject to Council approval) would provide access to Sandalwood Drive.

We note that the proposed lot is adjacent to the Hamlet of Ballinafad. In terms of the Urban Area Protection Policies, Section 4.7.1 states that "this policy does not apply to prevent..... development of a minor nature which does not impede the efficient expansion of this urban area". We have no concerns in this regard.

LOCAL OFFICIAL PLAN: The subject lands are designated Secondary Agricultural and Core Greenlands.

LOCAL ZONING BY-LAW: The subject lands are zoned Agricultural (A) and Rural Environmental Protection (EP2).

SITE VISIT INFORMATION: The subject property was visited and photographed on January 13, 2015. Notice Cards were posted and the survey sketch appears to meet the application requirements.

Sarah Wilhelm, MCIP, RPP, Senior Planner
January 16, 2015

CVC
CREDIT VALLEY CONSERVATION

January 19, 2015

County of Wellington
Land Division Committee
74 Woolwich Street
Guelph, ON N1H 3T9

RECEIVED
JAN 29 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Attention Deborah Turchet, Secretary-Treasurer

Dear Ms. Turchet:

Re: CVC File No. B 14/131
Your File No. B 131/14
Gordon Graham/Sharon Graham
Part Lot 1, Concession 7
Town of Erin

Staff of Credit Valley Conservation (CVC) has now reviewed the above-noted application and we provide the following comments for your consideration:

PURPOSE:
The purpose of this application is a proposed severance of 1.8 hectares, for proposed rural residential use. Access to be obtained from Sandalwood Drive, over Block 29, Reg Plan 845, Part 1 on Plan 61R-7098.

The retained parcel is 1.9 hectares with 43m frontage, existing and proposed rural residential use with existing house.

ONTARIO REGULATION NO. 160/06:
CVC mapping reveals the subject property is adjacent to a tributary of Snow's Creek and a Provincially Significant Wetland. As such, the proposed parcels are subject to CVC Regulation of Development Interference with Wetlands, and Alterations to Shorelines and Watercourses (Ontario Regulation No. 160/06). This regulation prohibits altering a watercourse or wetland, and prohibits development (e.g. new structures. additions, site grading) in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands (floodplain, erosion), and wetlands without the prior written approval of CVC (i.e. the issuance of a permit).

SITE CHARACTERISTICS:

Provincial Greenbelt:
According to Schedules 1 and 4 of the Province of Ontario's Greenbelt Plan 2005, the entire property falls within the Protected Countryside of the Greenbelt. The property contains Key Natural Hydrologic feature (PSW) and its associated vegetation protection zone. Policy 3.2.4.1 and 3.2.4.4 of the Plan states that development (which includes lot creation) or site alteration is not permitted in key hydrologic features and key natural heritage features including any associated vegetated protection zone, which is a minimum of 30 metres wide measured from the outside boundary of the feature. **In light of this the proposal does not meet the policies of the Greenbelt Plan.**

Core Greenlands
The property is partially within an area defined as "Core Greenlands" in the County of Wellington and Town of Erin Official Plan. All wetlands in the County of Wellington are included in the Core Greenlands designation. Development and site alteration will not be permitted in wetlands which are considered provincially significant.

Credit Valley Conservation 1255 Old Derry Road, Mississauga, Ontario L5N 6R4
Phone (905) 670-1615 Fax (905) 670-2210

January 19, 2015
Re: CVC File No. B 14/131
Your File No. B 131/14
Gordon Graham/ Sharon Graham
Part Lot 1, Concession 7
Town of Erin

Wetland:
The subject property is partially located within the Provincially Significant Acton Silver Creek Wetland Complex. Wetlands are diverse and productive ecosystems that are hydrologically significant to a watershed. They store water during flood events and provide low flow augmentation during dry periods. The vegetation and organic soils of wetlands aid in the filtration of nutrients and sediments that enhances water quality and assists in the maintenance of cool water temperatures. Wetlands also provide habitat for diverse and uncommon species of flora and fauna. CVC does not support new development in wetlands, including buildings, structures, driveways, septic systems, ponds...etc. An Environmental Impact Study Report may be required for new development located adjacent to wetlands, depending on potential impacts.

Wetlands are considered Key Hydrologic Features within the protected countryside of the Greenbelt. At minimum a 30 m vegetation protection zone (VPZ) will have to be established around the feature. This VPZ would have to be maintained in a natural condition; no development should occur within the feature and its VPZ.

CVC does not support lot creation that extends into or fragments ownership. As such we recommend that the proposed new lot be set back at least 30 metres from the limit of the PSW.

RECOMMENDATION
Recommendations
At this time CVC staff recommends that the application be **deferred** until the following:

1. Stake the wetland boundary;
2. Modify the severance limit;
3. Confirmation of a suitable building envelope;

Please contact the CVC to discuss the above comments and to establish a time to meet on site in the spring. We trust that these comments are sufficient. If you have any questions or concerns, please do not hesitate to contact the undersigned at 905-670-1615 (x. 245).

Yours truly,

Suzie Losiak, M.Sc.Pl. MCIP, RPP
Planner

cc: Town of Erin
Attn: Sally Stull

Rod Finnie
P.O. Box 31,
Erin, ON N0B 1T0

February 5, 2015

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

To: Deborah Turchet

Enclose please find the responses to the Notice of an Application for Consent concerning the severance application part of Lot 7, Concession 1 Town of Erin, County of Wellington.

The originals were submitted to you January 16, 2015. Please resubmit these to the committee.

Could you please let me know if there is an opportunity to speak to the issues?

Looking forward to hearing form you,

Margaret Hobbs
23 sandalwood Drive
PO Box 201
Ballinafad, ON
N0B 1H0

Maggie.hobbs@humber.ca

RECEIVED
FEB 09 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Re: Lot 29, Registered Plan 745, Part 1 Plan 61R-7098 and Plan 30 Registered Plan745, Part 2 plan 61R-7098 and Part 3 Plan 61R-7098

January 12, 2015

Dear sir or madam,

There are a number of concerns we would like to bring forward that we feel are representative of our neighborhood regarding the severing of Part 1, Plan 61R-1973. They are listed below;

- Increase in traffic flow noise and safety concerns in an established residential area during construction phase.

- Dramatic reduction in frontage, lot size, proximity between house and road, noise on lot 25 and 23.

- Drop in property value of lots 23, 25, 27, 29 and 30 with the construction of a property on block 31 (severed section Part 1 Plan 61R-1973).

- Property value drop depends on size of lot reduction for Lots 23 and 25 (frontage and adjoining) and for 27, 29 and 30 (regarding proximity and view to severed property. In consultation with several real estate representatives' estimates of 5 to 7% in property value has been indicated.

- The current lot 23 is for sale and this application will directly impact the potential sale–ability of the property.

- As owners of Lot 23, since 1991, the house being built 8 years prior, we had been aware of the plan for an access road. There is some precedence that must be acknowledged considering the length of time from the initial planning until now. The street is currently fully developed.

- When the house was built on lot 25 the neighborhood understood this access road would not be built.

- Lot 23 has been using the appeasement in the same manner for 30 years.

- Lot 25 has been using the appeasement in the same manner for many years.

- Even the Town of Erin must have been under the understanding this appeasement road plan would not proceed as it placed a street light on the same space as the appeasement.

In consideration of the Grahams request to sever or divide their property an access road and driveway can be accommodated using the existing driveway leading from the Halton/Erin Town line. This will allow the established community on Sandalwood Drive to continue as it has for the past 30 years.

Thank you for your time and consideration our concerns and the financial impact to these established properties. The alternative of a driveway coming from the Halton /Erin town line accomplishes access with minimum disruption.

Regards,

Andrew Knowles

Margaret Hobbs

Re: Lot 29, Registered Plan 745, Part 1 Plan 61R-7098 and Plan 30 Registered Plan745, Part 2 plan 61R-7098 and Part 3 Plan 61R-7098

Dear sir or madam,

We the undersigned are in opposition to the extension of Sandalwood Drive in front of Lot 23 and 25 for the following reasons:

- Increase in traffic flow noise and safety concerns in an established residential area during construction phase.
- Dramatic reduction in frontage, lot size, proximity between house and road, noise on lot 25 and 23.
- Drop in property value of lots 23, 25, 27, 29 and 30 with the construction of a property on block 31 (severed section Part 1 Plan 61R-1973).
- Property value drop depends on size of lot reduction for Lots 23 and 25 (frontage and adjoining) and for 27, 29 and 30 (regarding proximity and view to severed property). In consultation with several real estate representatives' estimates of ~~15~~ 5 to ~~20%~~ 7% in property value has been indicated.
- When the house was built on lot 25 the neighborhood understood this access road would not be built.
- Even the Town of Erin must have been under the understanding this appeasement road plan would not proceed as it placed a street light on the same space as the appeasement.

In consideration of the Grahams request to sever or divide their property an access road and driveway can be accommodated using the existing driveway leading from the Halton/Erin Town line. This will allow the established community on Sandalwood Drive to continue as it has for the past 30 years.

Name (please print)	Sandalwood Drive Lot #	Signature
Mark Reich	29	
Myra Britton	33	
Kelly Losch	35	
JOHN MADDEN	37	
ROB CARWARDINE	18	
Sandi Carwardine	18	

Re: Lot 29, Registered Plan 745, Part 1 Plan 61R-7098 and Plan 30 Registered Plan745, Part 2 plan 61R-7098 and Part 3 Plan 61R-7098

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In consideration of the Grahams request to sever or divide their property an access road and driveway can be accommodated using the existing driveway leading from the Halton/Erin Town line. This will allow the established community on Sandalwood Drive to continue as it has for the past 30 years.

Name (please print)	Sandalwood Drive Lot #	Signature
Alves Marita Alves	16	Alves
GIL ALVES	16	
Dennis Campbell	25	
Sheri Campbell	25	Sheri Campbell

Re: Lot 29, Registered Plan 745, Part 1 Plan 61R-7098 and Plan 30 Registered Plan745, Part 2 plan 61R-7098 and Part 3 Plan 61R-7098

Dear sir or madam,

We the undersigned are in opposition to the extension of Sandalwood Drive in front of Lot 23 and 25 for the following reasons:

- Increase in traffic flow noise and safety concerns in an established residential area during construction phase.
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Name (please print)	Sandalwood Drive Lot #	Signature
MARK GARROD	#10	
JANE ORESKOVIC	#4	
James McNeil	#4	
Erin Maciejko	#13	
BERNIE Webber	#11	
Janet Webber.	#11	

Re: Lot 29, Registered Plan 745, Part 1 Plan 61R-7098 and Plan 30 Registered Plan745, Part 2 plan 61R-7098 and Part 3 Plan 61R-7098

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Name (please print)	Sandalwood Drive Lot #	Signature
Kevin Douma	9	
Judy Douma	9	
DALILA SIMAS	2	
PAULO SIMAS	2	
MAUREEN VANRAVENS	3	
EDVANRAVENS	3	

Re: Lot 29, Registered Plan 745, Part 1 Plan 61R-7098 and Plan 30 Registered Plan745, Part 2 plan 61R-7098 and Part 3 Plan 61R-7098

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Name (please print)	Sandalwood Drive Lot #	Signature
Laura Rees	19	Laura Rees
Don Rees	19	DA Rees
Sabina Vechiola	27	S Vechiola
Elizabeth Potterton	21	E Potterton
Martin Potterton	21	
Tanya Eimantas	29	

Re: Lot 29, Registered Plan 745, Part 1 Plan 61R-7098 and Plan 30 Registered Plan745, Part 2 plan 61R-7098 and Part 3 Plan 61R-7098

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Name (please print)	Sandalwood Drive Lot #	Signature
Catherine Stewart	17	Catherine Stewart
Melanie Malcolm	6	Melanie Malcolm.
Sarah Lawrence	1	Lawrence
Maria Grieboldi	34	Maria Grieboldi

Re: Lot 29, Registered Plan 745, Part 1 Plan 61R-7098 and Plan 30 Registered Plan745, Part 2 plan 61R-7098 and Part 3 Plan 61R-7098

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Name (please print)	Sandalwood Drive Lot #	Signature
LAURIE Weston	#10	
Andrew Knowles	23	
M. Hobbs	23	Margaret Hobbs
Gwen Summer Gwen Summer	2 A	Gwen Summer
Buffy Edwards	7 A	
PAUL HEASLEWOOD	7B	

Re: Lot 29, Registered Plan 745, Part 1 Plan 61R-7098 and Plan 30 Registered Plan745, Part 2 plan 61R-7098 and Part 3 Plan 61R-7098

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Name (please print)	Sandalwood Drive Lot #	Signature
GORAN FALAK	25	
SLAVICA FALAK	25	Slavica Falak.

Deborah Turchet

From: info@esolutionsgroup.ca on behalf of mandrmalcolm@gmail.com
Sent: Thursday, January 15, 2015 8:38 AM
To: Deborah Turchet
Subject: file no. B131/14

Ms. Turchet,

I have some concerns regarding file B131/14. The addition of a new street seems like a very substantial change to the established community in Ballinafad and there has been no communication of the application for the street or the severence change within the community. No signage has been posted to advertise the change and the potential for neighbours to put forward comments/concerns.

I feel that the application is not providing complete information on the future usage of the severed property. If it is the mere addition of a single house, it is unclear why the current drive way off the town line could not be extended to accommodate that house as opposed to adding an entire road. If it is more than a single house, that would be a significant change withing this hamlet and this intention should be clearly indicated on the current application for consent (which it is not).

Is the lack of information on the application and lack of signage in the community consistent with the county's requirements for a substantial change like this?

thanks

Randy Malcolm
905-877-2583

Origin: http://www.wellington.ca/en/business/planninganddevelopment.asp
---

This email was sent to you by Randy Malcolm<mandrmalcolm@gmail.com> through http://www.wellington.ca/.

February 13, 2015

• • •

Mark Garrod, Laurie Weston
10 Sandalwood Drive
PO Box 265
Ballinafad, ON N0B 1H0

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

To Whom it may concern;

Re: **File No. B131/114 – LOT 29, Registered Plan 745, Part 1 Plan 61R-7098 and plan 30 Registered Plan 745, Part 2 Plan 61R-7098 and Part 3 Plan 61R-7098**

As residents of Sandalwood Drive in Balllinafad, the Town of Erin, we are writing to inform you that we ***strongly oppose*** the plan to create an access from Sandalwood Drive, over Block 29, Reg Plan 845, Part 1 on Plan 61R-7098.

Upon viewing schedule B-1 Ballinafad Official Plan of the Town of Erin, modified August 22nd 2006, there is no planned access to this vacant land from Sandalwood Drive. We also question the fact that the residents of Sandalwood Drive have never officially been notified of this plan prior to receiving the Notice of Application for Consent dated January 19, 2015.

We would like to keep this street a quiet subdivision, with minimal traffic and retain the quaint hamlet community we have come to love when we moved to this area in November 2012.

We wish to be notified of the date and time of consideration of this application and we wish to be notified of the decision of the County of Wellington Planning and Land Division Committee in respect of this proposed consent.

Kind Regards,

Mark Garrod, Laurie Weston
Email: markandlaurieg@gmail.com
Telephone: 905-873-7110

RECEIVED
FEB 17 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Box 7, 29 Sandalwood Dr.
Ballinafad, ON, N0B 1H0

January 16, 2015

RECEIVED
JAN 19 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

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

Dear Ms. Turchet,

Re: **Lot 29, Registered Plan 745, Part 1 Plan 61R-7098 and Plan 30 Registered Plan 745, Part 2 Plan 61R-7098 and Part 3 Plan 61R-7098**

We are writing in accordance with the "Notice of an Application for Consent" File No. B131/14 dated December 12, 2014 and submitted by Gordon and Sharon Graham. Specifically we are objecting to the proposed access to the subject lands being from Sandalwood Drive.

1. As our property back onto the proposed severance parcel, we were not given proper notification concerning the application as per the Ministry of Municipal Affairs and Housing's Planning Act.

   > "The consent-granting authority must give notice of application before a decision is made. Notice of application is given at least 14 days in advance of a decision by the consent-granting authority, either through local newspapers or by mail and posted notice. Any person or public body may submit his or her views to the consent-granting authority." (Citizen's Guide, Land Severances, 2010)
2. The official plan for the Hamlet of Ballinafad (Schedule B-1) as modified by the Town of Erin, August 22, 2006 does not identify any changes to the hamlet boundaries as is being proposed in this severance application.
3. The proposed road access to the proposed severance could have a significant impact on the use of Sandalwood Drive beyond its current capacity.
4. The road access will have a detrimental impact on the adjacent properties – this completed subdivision plan does not support the construction of such a large road to access that property.
5. This property is clearly land locked as the other access alternative would necessitate disturbing a drainage ditch.
   a. This severance should have an environmental impact study because it lies within the greenbelt and the authority of the Credit Valley Conservation Authority.

We are formally requesting notification of the date and time of the consideration of this application, notice of the decision and any Municipal Board Hearing.

Tanya Eimantas and Mark Reich

Cc Mayor Allan Alls, Erin Municipal Council, Ted Arnott and Credit Valley Conservation

ARNOLD FOSTER LLP

Barristers·Solicitors

HERBERT T. ARNOLD B.A. L.L.B.
STEVEN C. FOSTER B.A. L.L.B.
THOMAS M. ARNOLD B.Com. L.L.B.

Suite 201 - 232A Guelph Street
Georgetown, Ontario
Canada, L7G 4B1
Telephone: (905) 873-0204
Facsimile: (905) 873-4962

January 16, 2015

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

Attention: Deborah Turchet, Secretary-Treasurer

Dear Madam:

Re: Notice of Application for Consent
Applicants: Gordon Graham and Sharon Graham
Part Lot 1, Concession 7, Town of Erin

We act for Mr. and Mrs. Goran Falak. We wish to comment on the proposed severance as per the attached notice.

Our clients are the owners of Block 28, Plan 745 which is accessed via a right of way over Parts 1 and 2, Plan 61R-7098.

Our clients oppose the severance on the basis that:

1. The severed lot has no frontage on a public road as required by the current zoning by-law.

2. The application is premature and should not be considered unless and until Parts 1, 2 and 3, Plan 61R-7098 are all dedicated as a public road and upgraded to current municipal standards.

3. The summary of the application describes access being over Part 1, Plan 61R-7098 with no indication of the right of such access.

4. The application fails to mention access over Parts 2 and 3, Plan 61R-7098 both of which are municipal reserves the purpose of which is to prohibit access.

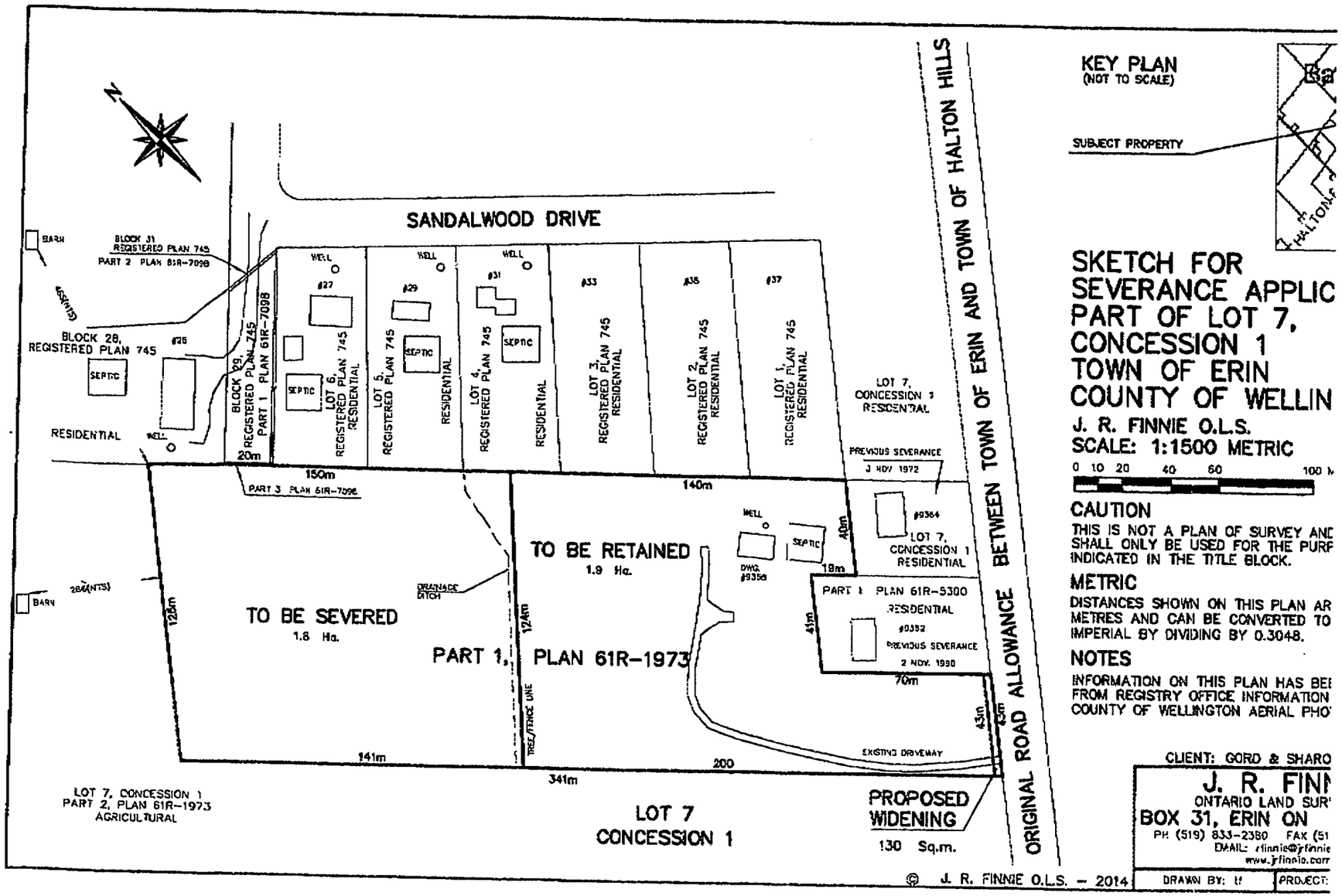
Please provide my office with a copy of all comments of circulated agencies, any recommendation report and notice of any meeting at which the subject application may be considered.

Kindly acknowledge receipt of this letter.

Yours truly,

ARNOLD, FOSTER LLP

Herbert T. Arnold
HTA/ac
cc: Mr. and Mrs. Goran Falak (fax 905-877-9634)


SANDALWOOD DRIVE
BLOCK 31 REGISTERED PLAN 745 PART 2 PLAN 61R-7098
BLOCK 28, REGISTERED PLAN 745
BLOCK 29, REGISTERED PLAN 745 PART 1 PLAN 61R-7098
LOT 6, REGISTERED PLAN 745 RESIDENTIAL
LOT 5, REGISTERED PLAN 745 RESIDENTIAL
LOT 4, REGISTERED PLAN 745 RESIDENTIAL
LOT 3, REGISTERED PLAN 745 RESIDENTIAL
LOT 2, REGISTERED PLAN 745 RESIDENTIAL
LOT 1, REGISTERED PLAN 745 RESIDENTIAL
LOT 7, CONCESSION 1 RESIDENTIAL
PREVIOUS SEVERANCE 3 NOV 1972
PART 3 PLAN 61R-7098
TO BE RETAINED 1.9 Ha.
TO BE SEVERED 1.8 Ha.
PART 1, PLAN 61R-1973
PART 1 PLAN 61R-5300 RESIDENTIAL
PREVIOUS SEVERANCE 2 NOV. 1990
DRAINAGE DITCH
TREE/FENCE LINE
EXISTING DRIVEWAY
LOT 7, CONCESSION 1 PART 2, PLAN 61R-1973 AGRICULTURAL
LOT 7 CONCESSION 1
PROPOSED WIDENING 130 Sq.m.
ORIGINAL ROAD ALLOWANCE BETWEEN TOWN OF ERIN AND TOWN OF HALTON HILLS
KEY PLAN (NOT TO SCALE)
SUBJECT PROPERTY
SKETCH FOR SEVERANCE APPLIC
PART OF LOT 7, CONCESSION 1 TOWN OF ERIN COUNTY OF WELLIN
J. R. FINNIE O.L.S.
SCALE: 1:1500 METRIC
CAUTION
THIS IS NOT A PLAN OF SURVEY AND SHALL ONLY BE USED FOR THE PURP INDICATED IN THE TITLE BLOCK.
METRIC
DISTANCES SHOWN ON THIS PLAN AR METRES AND CAN BE CONVERTED TO IMPERIAL BY DIVIDING BY 0.3048.
NOTES
INFORMATION ON THIS PLAN HAS BEE FROM REGISTRY OFFICE INFORMATION COUNTY OF WELLINGTON AERIAL PHO
CLIENT: GORD & SHARO
J. R. FIN
ONTARIO LAND SUR
BOX 31, ERIN ON
PH (519) 833-2380 FAX (51
EMAIL: rfinnie@jrfinnie
www.jrfinnie.com
DRAWN BY: H
PROJECT:
© J. R. FINNIE O.L.S. – 2014

January 19, 2015

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

RE: Application for Consent - File No. B131/14 - Road Access from Sandalwood Drive, Ballinafad

We, the residents at 16 Sandalwood Drive in Ballinafad, are writing in opposition to the application for access from Sandalwood Drive, over Block 29 Reg Plan 845, Part1 on Plan 61R-0798.

We were not properly notified of this application, and would be directly impacted by an increased flow of traffic and noise in front of our home. This is a safety concern with the number of children in this quiet residential area.

We would like an explanation as to why we were not notified of this application, and would like an opportunity to present our concerns, particularly with respect to increased traffic, noise and decrease in property value.

This is a safe and quiet area for our children to play and grow up. Please do not consider addition of an access road from Sandalwood Drive.

Gil and Marika Alves
16 Sandalwood Drive
Ballinafad, ON N0B 1H0
905-873-6749
marikaa@hbwi.ca

RECEIVED
JAN 22 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Jana Poechman

From: Jana Poechman
Sent: January 22, 2015 9:20 AM
To: 'marikaa@hbwi.ca'
Subject: RE: Concern Re: Application File No B131/14
Attachments: Revised Notice B131-14.pdf

Good Morning.

The attached notice was mailed to you yesterday regarding application B131/14. Please note, the deadline for comments is February 18, 2015. When you review the notice you will see that you will need to ask in writing for notice of the date and time of consideration as well as to receive a copy of the decision. This application has been scheduled to be heard by the Land Division Committee on March 12, 2015. However, we will include your attached comment in the package for the Land Division Committee.

Thanks.
Jana

Jana Poechman| Land Division Clerk | Planning and Development Department County of Wellington | 74 Woolwich Street | Guelph | Ontario | N1H 3T9
(519) 837-2600 x2170 | fax (519) 837-3875 | janap@wellington.ca | www.wellington.ca

-----Original Message-----
From: Deborah Turchet
Sent: January 22, 2015 9:04 AM
To: Jana Poechman
Subject: FW: Concern Re: Application File No B131/14

-----Original Message-----
From: info@esolutionsgroup.ca [mailto:info@esolutionsgroup.ca] On Behalf Of marikaa@hbwi.ca
Sent: Wednesday, January 21, 2015 9:23 PM
To: Deborah Turchet
Subject: Concern Re: Application File No B131/14

Please find enclosed our letter addressing our concerns, as residents of Sandalwood Drive in Ballinafad, of the aforementioned application for road access to be obtained via Sandalwood Drive, over Block 29, Reg Plan 845, Part 1 on Plan 61R-098. We, as well as all residents of our street, were not notified of this application, and were quite upset to find out about this proposal to have an additional road generated directly across from our property. We have significant concerns and disagreement with this application, and would like an opportunity as a community to express our concerns.

Regards,
Marika and Gil Alves

Deborah Turchet

From: Janet and Bernie Webber <the-webbers@live.com>
Sent: Wednesday, January 28, 2015 11:08 AM
To: Deborah Turchet
Subject: Comments re: file no. B131/14 - land severance

Attn: Debrorah Turchet, Secretary- Treasurer
Wellington County Administration Office

re: Application for Land Severance file No. B131/14

Madam,

In mid January 2015, I was made aware by my neighbours of an impending request to sever land in an area behind our homes and an access road to be built and utilized from the long established Sandalwood Drive in Ballinafad Ontario. Thankfully, the County of Wellington sent a request for comments to us on the 19th January 2015 and to this request, I am responding.

My family and I have lived in the hamlet of Ballinafad for just under 20 years with the last 11 years on Sandalwood Drive at #11. We moved into the neighbourhood specifically due to the traffic calming winding road (Sandalwood Drive) which restricts speed and traffic for the safety of our children who spent a great deal of their time on their bikes on the roadway and attending the park located behind the Ballinafad Community Centre. Due to the winding nature of the roadway, vehicle speeds are restricted which assists in the safety of our children and neighbours especially through the warmer months. The road is utilized by those that live on Sandalwood Drive. It is not a shortcut, nor is their any other use for the road than access for our homes. This is one of the major reasons for our neighbourhood existing as such. Our concern is that by the introduction of an access road would increase traffic, especially by those that have no vested interest in our street or neighbours increasing safety concerns.

As well, the rear portion of my property is designated "wet-lands" where I have agreed to not build or change to affect the natural habitat. Unfortunately the County has already allowed significant fill, through the use of several hundred dump trucks, to dump in a property north of our address which already significantly altered the volume and flow rate of water though our wet lands. I foresee that without input from environmental agencies such as the Credit Valley Conservation Authority, that further damage to the ecological area will be affected by the building and movement of water flow through the area described in this severance.

I am personally confused as to why we on Sandalwood Drive are being affected by such a severance when the logical solution involves the applicants increasing their driveway to allow access to the land that they wish to sever. Do they feel that all they want to benefit is the financial gain and let the rest of us deal with the other issues? This confuses me. Our property values are lowered while they hide behind a tree-line waiting for the construction noise to stop?

My family and I are opposed to the application as it stands and respectfully request to be notified of the decision of the County of Wellington Planning and Land Division Committee.

I thank you for the opportunity to comment on the proposal.

Respectfully,

Bernie Webber
11 Sandalwood Drive
PO Box 11
Ballinafad, Ontario
N0B 1H0