



**MINUTES**  
**Public Meeting Under the Planning Act**  
**Monday, September 12, 2016**  
**Council Chambers 6:00 PM**

**COUNCIL PRESENT:** All members of Council were in attendance this evening.

**STAFF PRESENT:** Lindsey Parkes, CAO/Clerk  
Angela Young, Deputy Clerk  
Chris Vereyken, Chief Building Official  
Ryan Frew, Director of Public Works  
Bruce Howarth, Senior Planner

**MEDIA PRESENT:** Nil.

**1. Call to Order and Roll Call**

A Public Meeting under the Planning Act was held at 6:00 p.m. to consider a proposed amendment to the Zoning By-Law for the Township of McNab/Braeside in accordance with the provisions of Section 34 & 36 of the Planning Act, 1990.

**2. Declare Meeting Open**

Deputy Mayor Armsden stated that this is a Public Meeting held by Council under Section 34 & 36 of the Planning Act, 1990 and is declared open and further advised this Public Meeting is to consider an amendment to the Township of McNab/Braeside Zoning By-Law 2010-49 for Plan 512 also known as Hidden River Estates Subdivision.

**3. Disclosure of Pecuniary Interest and the General Nature Thereof**

Members were asked to state any pecuniary interest and the general nature thereof before the item is discussed. No disclosures of pecuniary interest were declared at this time. Deputy Mayor Armsden chaired the Public Meeting this evening.

**4. Applicant**

Township of McNab/Braeside - Zoning Amendment Application - Plan 512

Part of Lots 9 and 10, Concession 6, geographic Township of McNab, in the Township of McNab/Braeside, located on the Hidden River and Gunsmith Road allowances.

**5. Information Circulated**

- 5.1 Notice of Application & Public Meeting
- Application Sketch
- Draft By-Law
- Planning Background Report

**6. Clerks Notice of Circulation in accordance with the Requirements of the Planning Act**

The Public Meeting is a requirement of the Planning Act. In accordance with the Planning Act, notice must be given at least 20 days before the public meeting is held. Deputy Mayor Armsden requested that the Clerk confirm the date the notice was circulated and calculate that we had the required 20 days notice.

The CAO/Clerk advised the Notice was circulated to all the property owners within 120m of the subject property on August 17, 2016. The Notice was mailed to the agencies as required under the Planning Act and published on the Township website on August 19, 2016 and on the website calendar. This Notice was also posted on the affected property.

Deputy Mayor Armsden stated that the 20 day notice having been given, declared the meeting properly constituted to transact its business.

Any person wishing to receive written notice of the Adoption of the Amendment being considered at this meeting must leave their name and mailing address with the Township Clerk by writing their name and address on the list posted at the back of the Council Chambers.

As required by Section 34 (14.5) of the Planning Act, Council is required to inform the public of who is entitled to appeal to the Ontario Municipal Board, under Sections 34(11) and (19):

Deputy Mayor Armsden stated as follows:

Under Section 34(11) - If Council decides to refuse an application or refuses or neglects to make a decision on an application within 120 days of the municipal Clerk receiving the application, the applicant or the Minister of Municipal Affairs and Housing, may appeal to the Ontario Municipal Board by filing an appeal with the Clerk of the municipality.

Section 34(19) – Not later than 20 days after the giving of notice of passing of the By-Law, the applicant, any person or public body who made oral submissions at the public meeting or made a written submission to Council, before the By-Law was passed or the Minister of

Municipal Affairs and Housing, may appeal to the Ontario Municipal Board by filing an appeal with the Clerk of the municipality.

## **7. Clerks Reading of the Notice**

Deputy Mayor Armsden requested the Clerk give a description and location of the Proposed Amendment.

The Deputy Clerk advised that the amendment is located in Part of Lots 9 and 10, Concession 6, geographic Township of McNab, in the Township of McNab/Braeside, located on the Hidden River and Gunsmith Road Allowances.

The Deputy Clerk stated that the purpose of this amendment is to rezone approximately 4.76 hectares of vacant land (Blocks A and B, Plan 512) as open space and to place approximately 18.9 hectares of vacant land (Lots 3, 5, 8 and 10-23 inclusive, Plan 512) in a holding (-h) zone that may be developed only when certain conditions are met to Council's satisfaction. The lands are from part of a development known as the Hidden River Estates Subdivision.

The effect of the amendment is to rezone lands from Rural (RU) and Rural Residential (RR) to Open Space (OS) and place 18.9 hectares of land currently zoned as Rural Residential (RR) in a Rural Residential-holding (RR-h) Zone. Conditions for removing the holding (-h) symbol include, but are not limited to, the internal roads being constructed to standard, parkland blocks be provided to the Township, and that the drainage plan and appropriate easements be implemented. All other provisions of the Zoning By-Law shall apply. The related Interim Control By-Law 2016-10 that applies to all of the Hidden River Estates Subdivision lands (Plan 512) will expire upon the finalization of this amending By-Law.

Additional information regarding the Zoning By-Law amendment was available for inspection at the Township of McNab/Braeside Municipal Office during regular office hours.

## **8. Correspondence/Comments Received**

- Agencies
- Planning Department
- Others

Deputy Mayor Armsden inquired if there were any written comments received.

The CAO/Clerk read comments received from Ontario Power Generation advising they had no comments or concerns.

The CAO/Clerk read comments from MHBC who were commenting on behalf of TransCanada Pipelines requesting that they be informed of any further development application with the property subject to this subdivision, as TransCanada has 2 high pressure natural gas pipelines

crossing the subject lands. TransCanada reviews development within 200m of the pipeline right-of-way and has regulatory and development requirement which must be met. In addition there is a 7m setback for permanent structures from the edge of the right-of-way in the zoning by-law under section 3.32.

The CAO/Clerk read comments received from the Sewage System Inspector advising he had no comments or concerns.

The CAO/Clerk advised that there were no other comments received either to object or to support the proposed application.

## **9. Questions/Comments**

- Members of the Public
- Applicant/Agent
- Members of Council

Deputy Mayor Armsden inquired if members of the public wished to speak to the amendment.

No members of the public wished to speak.

Deputy Mayor Armsden inquired if the owner or agent wished to speak to the amendment.

Mr. Cohen, Soloway Wright and his clients Mr. Walter Boyce and Mr. Jamie Boyce of Gladstone Realty were in attendance this evening. Mr. Cohen introduced his clients and spoke on behalf of the Boyce's.

Mr. Cohen advised that he had three parts to his submission - Questions; Comments and a proposal.

Q. Mr. Cohen inquired if the ZBLA only included the lands in Hidden River Subdivision being Plan 512, Chair Armsden advised that this was correct.

Q. Mr. Cohen inquired as to what would happen after this public meeting and as to the process that would be followed. Chair Armsden advised that the by-law would come back to a regular meeting of Council for consideration of passing at a future date.

Q. Mr. Cohen inquired if the Planning Committee would be making a recommendation as to the passing of the Zoning Amendment. Chair Armsden stated that Council would further discuss the arguments for and/or against the amendment and the by-law is brought back to a future meeting. Mr. Cohen advised that he had received satisfactory responses to this question.

### Comments

1. Mr. Cohen stated that he was concerned that the Township had first deemed the land in Plan 512 and was now proposing to put a holding symbol on the lots so that Gladstone cannot build or sell lots. Chair Armsden advised that this was a correct statement.
2. Mr. Cohen stated that he is not certain that it is right to zone the parcels as indicated to "park blocks" and have them zoned to a public use zone and requested that this concern be conveyed to the Township Solicitor.
3. Mr. Cohen advised that his clients have been asked to provide a letter of credit, and that he is asking for what those requirements are for this letter of credit. Mr. Cohen also stated that Council should not pass the holding zones until these requirements are met.

### Proposal

1. Mr. Cohen stated that he would like to know what the Township requires, the Township Solicitor has indicated that Gladstone should hire an engineer to evaluate and see what costs are involved.
2. Mr. Cohen's stated that he has a proposition for the Township; His Client will retain an engineer and they will be asked to determine what it will take to get the internal road up to standard. The engineer will give us a report to see what is reasonable, which they will share with Council. His clients are requesting that Council not pass the by-law until the report is received and reviewed.

Deputy Mayor Armsden inquired if Mr. Howarth had any comments regarding this application.

At the request of the Chair Mr. Howarth stated that the internal roads including Robertson Line are the primary concern, along with stromwater management and the easements, however it is difficult to tell exactly what is required without a geotechnical study.

Mr. Cohen stated that the engineer will look at the roads, drainage and easements, and requested that the Township send him a copy of the stormwater plan that is on file for this subdivision.

Deputy Mayor Armsden inquired if Council Members had any questions or concerns at this point.

Councillor Mackenzie inquired as to the history of this subdivision and how we have come to this point. Mr. Walter Boyce gave the history of how the subdivision came into their sole possession and how the lots may have been put in the wrong ownership, therefore having lots registered away from the Township.

Mayor Peckett inquired if Gladstone was planning on moving forward with this subdivision. Mr. Jamie Boyce indicated that the market will dictate and Mr. Walter Boyce stated that the financial capabilities are key to moving ahead.

Deputy Mayor Armsden inquired if Mr. Howarth had any further comments at this point.

Mr. Howarth advised he had no further comments at this time, and stated that Council can hold the By-Law in abeyance until further information is received.

**10. Further Information Requests List**

Members of the Public were requested to leave their name and mailing address on the list at the back of the Council Chambers should they wish to be notified with regard to the application.

**11. Adjournment**

As there were no further questions, Deputy Mayor Armsden advised that the Public Meeting process is now completed. Council will give careful consideration to the arguments for/and or against the zoning amendment. The By-Law will be brought forward to a future Meeting of Council for consideration of passing. The Public Meeting was declared closed.

Deputy Mayor Armsden thanked everyone for their attendance.

The meeting adjourned at 6:40 p.m.

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CAO/CLERK

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DEPUTY MAYOR