

**The Corporation of the
Village of Merrickville-Wolford**

Tuesday, November 17, 2020

A special meeting of the Council of the Corporation of the Village of Merrickville-Wolford was held at 6:00 p.m. on Tuesday, November 17, 2020 at the Merrickville Community Centre, 106 Read Street, Merrickville.

Chaired by: Mayor J. Douglas Struthers
Members of Council: Deputy Mayor Michael Cameron
Councillor Don Halpenny
Councillor Bob Foster
Councillor Timothy Molloy

Staff in Attendance: Doug Robertson, CAO/Clerk
Christina Conklin, Deputy Clerk

Disclosure of Pecuniary Interest and the general nature thereof: None.

Approval of Agenda

R-278-20 Moved by Councillor Foster, Seconded by Deputy Mayor Cameron
Be it hereby resolved that: The Council of the Corporation of the Village of Merrickville-Wolford does hereby approve the agenda of the special Council meeting of November 17, 2020, as circulated.

Carried.

Public Meeting:

R-279-20 Moved by Councillor Halpenny, Seconded by Councillor Foster
Be it hereby resolved that: The Council of the Corporation of the Village of Merrickville-Wolford does hereby move to a Public Meeting under Sections 51 (20) and (21) and Section 34 of the *Planning Act*, as amended.

Carried.

Note: Council moved to the public meeting at 6:03 p.m.

Mayor Struthers stated "As required under Sections 51(20) and 34 (12) of the Planning Act R.S.O. 1990, this public meeting is being held for the purpose of providing the public with information and material related to the proposed draft plan of subdivision and draft zoning by-law amendment. This is the public's opportunity to provide comments on the proposed development applications, prior to the United Counties of Leeds and Grenville making a decision on the draft plan of subdivision and the Village Council making a decision on the proposed Zoning By-law Amendment.

The proposed residential plan of subdivision consists of forty-three (43) lots, thirty-eight (38) to be developed with single detached dwellings and five (5) to be developed with semi-detached dwellings for a total of forty-eight (48) residential units planned for the site. The lots are to be serviced by municipal water and sewer.

The corresponding zoning by-law amendment is to rezone the 3.54 hectare property from Development (D) to Residential Two – Exception (R2-EX) to permit the development of the 48 residential units. All provisions of the R2 zone will apply to the R2-EX zone except for lot frontage which is requested to be reduced from 18 metres to 12 metres. All other provisions of the Village's Zoning By-law #23-08 shall apply."

Mayor Struthers introduced himself and members of Council, as well as staff present at the meeting. Mayor Struthers indicated that the Planner retained by the Village, Forbes Symon of Jp2g Consultants Inc. was also in attendance.

Mayor Struthers further stated "This public meeting is intended to provide the public with information and material related to the proposed subdivision and to give the public an opportunity to make presentation to the Council regarding their thoughts on both the draft plan of subdivision and proposed Zoning By-law Amendment. It is the Council's responsibility to consider all the facts and deliberate on the merits of both applications. At anytime during the

proceedings Council members may ask questions through the Chair to obtain information or seek clarification of statements.

Those members of the public who wish to be heard on this matter will be asked to make a statement to the proposed draft plan of subdivision and zoning by-law amendment. If the member of the public wishes to ask questions or seek clarification they will ask their questions through the Chair, who will direct the question to the appropriate person.”

Mayor Struthers asked Village staff to provide confirmation on how notice of the public meeting was provided. Ms. Conklin indicated that notice of the meeting was given through an advertisement in the Kemptville Advance, through regular mail to residents within 120 meters of the subject lands, on the Village’s website, and through signage placed on the subject lands. Mayor Struthers outlined the order of proceedings of the public meeting and indicated that any person who has attended this public meeting would be provided with an opportunity to comment on the proposed development applications, and that the applicant would be provided an opportunity to respect to comments or questions from the public.

Mayor Struthers gave notice of appeal rights, and stated “Please be cautioned that the public only have a right of appeal on the proposed zoning by-law amendment application. Recent changes to the *Planning Act* under Bill 108 have removed the public’s rights to appeal decisions on draft plans of subdivision. Regarding rights of appeal on the proposed zoning by-law amendment, only those persons who make oral submissions at this public meeting or make written submissions to the Village of Merrickville Wolford before a decision is made by Council will have a right of appeal to the Local Planning Appeal Tribunal (LPAT). Notwithstanding the recent changes to the *Planning Act* regarding subdivision appeal rights, public comments are important and valued by Council and will be given careful consideration by Council in terms of its recommendations and actions.”

Mayor Struthers invited the Applicant to present the Planning Justification Report. Mr. James Ireland of Novatech made a presentation with respect to the nature and effect of the plan of subdivision and zoning by-law amendment.

Mayor Struthers invited members of the public to make oral submissions.

Jack Springer (125 Sophie Lane) indicated that there was a disconnect between the planning rationale provided in the agenda package which referred to minimum lot frontages being reduced from 18 meters to 12 meters for single detached dwellings and the presentation at the meeting which referred to a reduction of minimum lot frontages from 18 meters to 15 meters. Mr. Springer recommended that the documents be amended in order to be consistent. Mr. Springer inquired whether there would be two entrances to County Road 16 in Phase I and Phase II. It was confirmed by Novatech that there would be two entrances off of County Road 16. Mr. Spencer inquired whether there was any intention to include fencing in the proposed subdivision and Novatech confirmed there is no intention to include fencing.

Dan Black (228 Alice Street) thanked Council for holding this public meeting. Mr. Black indicated that he and his neighbours on Read Street, the Telfords, had a number of questions which were outlined in a four-page written submission that was provided to the Village. Mr. Black indicated that he and the other authors of the written submission are not opposed to development and feel that it is beneficial to the Village, however, they do have concerns as they live downgrade from the proposed development. Mr. Black indicated that Alice Street is a cul-de-sac which is maintained by the residents who live there. Residents on Alice Street, Wallace Street and Read Street have wells and septic systems. Mr. Black indicated that they would like assurances from both the developer and the Village that residents will be given advance notice prior to any pneumatic hammering occurring as they believe their wells could be damaged. Mr. Black further indicated that he and the Telfords would appreciate notification so that they may have their wells and septic tanks inspected prior to construction work being commenced. Mr. Black also indicated that they were concerned regarding damage to their foundations as a result of blasting as well as the potential contamination of their wells. Mr. Black emphasized that they are not opposed to development but are also concerned that the high density of the development might change the overall character of the Village as they are seeing a slow erosion of the greenspace in Merrickville and certain species of animals slowly disappearing. Mr. Black indicated that he moved to Merrickville years ago to be in a rural setting and he is concerned about what the development might bring to the overall character and historical nature of the Village but emphasized that he is mostly concerned regarding the threat to his water supply and septic system. Mr. Black indicated

that he hopes the municipality will review the joint written submission with the developer and address the concerns raised therein and report back to them on the issues they have raised.

Mayor Struthers indicated that all comments received will be considered and factored into a report that will be brought back to Council for consideration on December 14, 2020.

Mr. Lee Sheets of Novatech commented that he takes Mr. Black's comments very seriously regarding potential foundation damage or the contamination of wells or change in water quality. Mr. Sheets indicated that the responsibility falls on the contractor building the roads and drainage system as well as the contractor building the housing and it would be the contractors' insurance that would handle any of those issues should they arise. Mr. Sheets also indicated contractors are supposed to conduct a pre-blast survey prior to work being commenced. Mr. Sheets indicated that all drainage within the subdivision needs to be contained and would be directed to a stormwater pond. Mr. Sheets further advised that in order to submit a draft plan of subdivision a serviceability report would need to be included. Within the draft conditions, one of the conditions that would need to be fulfilled is an engineering plans that would conform with Provincial standards and be approved by all agencies, which would be part of the next step in the process.

Donald Telford (1317 Read Street) indicated that during Phase I of the McLean Landing development his water turned black once blasting started. Mr. Telford indicated that he was told he would be informed prior to the commencement of blasting. Mr. Telford stated that because he did not have his water tested before blasting started, it was then his responsibility. Mr. Telford indicated that where his well pipe is grouted to the ground was fractured which caused a contaminant running into his well, which he had to have fixed. Mr. Telford indicated that he would like reassurance that he would be protected in some way from this happening again. Mr. Telford further indicated, with respect to drainage, that there is approximately a 6-7 foot drop, specifically from Lot 8, which is at the back of his and the Black's property. Mr. Telford inquired how the drainage would be addressed and whether there would be a retaining wall put in place as there has been in Phase I.

Mr. Sheets indicated that there would be a retaining wall. Mr. Telford indicated that there is a road allowance at the back of his property so he is assuming that the developer is being given or sold the road allowance which would cause his property to abut the retaining wall.

Charles Goyette (119 Sophie Lane) inquired whether Council could require that construction traffic be routed through Street No. 1 from County Road 16 as opposed to through Sophie Lane.

Mr. Sheets indicated that it is not unusual for municipalities to impose construction management conditions for the development of the subdivision.

Alice Mills (228 Alice Street) inquired whether the houses in the proposed development would be connected to a sump pump system.

Mr. Sheets indicated that there would be a sump pump system to the existing stormwater pond that can be seen from County Road 16.

Ms. Mills indicated that with the Phase I development she experienced flooding on her property and had to replace her sump pump and drainage system. Ms. Mills indicated that she was glad to hear there would be an active drainage system as opposed to a passive one. Ms. Mills inquired as to who would maintain the sump pump system for the development.

Mr. Sheets indicated that the system would be located within the municipal road allowance.

Dan Dunlop (112 Colborne Street) indicated that he lives just south of the Merrickville Grove subdivision and that, initially, the Merrickville Grove subdivision application indicated a blend of housing types. Mr. Dunlop wanted to confirm that there would be no changes to this proposal during the process which would change this development to townhouses as opposed to homes.

Mr. Ireland indicated that this development would be composed of semi-detached houses and single detached dwellings.

Mr. Dunlop indicated that semi-detached would be acceptable but not two-storey townhouses. Mr. Ireland indicated that the semi-detached housing could be two-storey.

Mr. Dunlop further inquired as to whether the Village has sufficient sewage treatment capacity at this time to accommodate both this development and Merrickville Grove. Mayor Struthers indicated that as the process unfolds Council would not approve of the development if the Village did not have the capacity.

Mike Zaversenue (330 Wellington Street East) indicated that he is in support of this development and is very glad to see more housing in Merrickville as we need more residents to keep schools and businesses alive. Mr. Zaversenue inquired whether there was a tentative date as to when the subdivision construction would start and what steps are next in the process.

Mayor Struthers indicated that the approval process is ongoing and that a report from the Village's consultant planner would be forthcoming on December 14, 2020. Mayor Struthers indicated that once Council approves draft conditions, the next step is for the United Counties of Leeds and Grenville to approve the subdivision application and they may choose to impose additional conditions. Mr. Sheets indicated that once draft approval is received from the Village and the United Counties of Leeds and Grenville, it would be very aggressive to say that construction could begin within a year.

Mr. Zaversenue inquired as to how long it would take to build the proposed amount of houses once construction is commenced. Mr. Pat McBane indicated that he could not provide a timeline for duration of construction at this time.

With no more questions arising from members of the public, Mayor asked if there were any comments or questions from Council.

Deputy Mayor Cameron inquired how many doors would be part of the development. Mr. Ireland indicated there would be a minimum of 43 doors and a maximum of 49 doors.

Deputy Mayor Cameron commented that there were concerns raised by the public regarding the protection of their wells which will be considered at the table as the approval process moves forward. Deputy Mayor Cameron further commented that he would like to see the design and style of homes that the developer wishes to construct.

Councillor Molloy commented that the Environmental Impact Study identifies whippoorwills as species at risk in the proposed area and that the risk is classified as a Category 3 risk. Councillor Molloy inquired as to what a Category 3 risk meant and what the developer will do to mitigate this risk. Mr. Sheets indicated that he believes the habitat is located on the south side of County Road 16 and the study is conducted through obtaining data through sound at night so the actual line of where the habitat begins is subjective.

With no further questions or comments being noted at this time, Mayor Struthers stated "As there are no further questions, this Public Meeting is now concluded. Following this public meeting, the Council will reconvene its regular session of the meeting. The meeting is open to the public and people who have participated in the public meeting are welcome to remain and observe the Council proceedings. However, the Council meeting is not open for comments or questions from the public and we request that people in attendance refrain from making comments or taking actions that could interrupt or interfere with the Council meeting.

Council may decide to defer the consideration of the applications to allow for further information or clarification. Council may also decide to recommend approval of the applications, with or without specific terms and conditions. Council may also decide to recommend that the applications be refused, stating the reasons why such action should be taken.

Following the public meeting, Council will be responsible for making a recommendation to the United Counties, the approval authority for plans of subdivision, including any conditions Council deems appropriate for the draft plan of subdivision. This will be done at a future Council meeting upon receipt of a final report from our consultant planner. Council will also be responsible for considering the approval of the proposed Zoning By-law Amendment intended to implement the subdivision."

R-280-20 Moved by Councillor Foster, Seconded by Councillor Molloy

Be it hereby resolved that: The Council of the Corporation of the Village of Merrickville-Wolford does hereby return to the regular session of the special Council meeting.

Carried.

Mayor Struthers indicated that the following motion would be considered by Council following the public meeting portion of the special meeting to be held at 7:30 p.m.:

"Be it hereby resolved that the Council of the Corporation of the Village of Merrickville-Wolford does hereby direct Jp2g Consultants Inc. to bring forward a report to Council on December 14, 2020 with recommendations regarding how best to proceed with the consideration of the McLean Landing Phase II Subdivision and Zoning By-law Amendment applications, as well as an assessment of public comments and written submissions received."

CAO Robertson indicated that any written comments received before December 9, 2020 would be factored into the aforementioned report from Jp2g Consultants Inc.

Confirming By-Law

R-281-20 Moved by Councillor Foster, Seconded by Councillor Halpenny

Be it hereby resolved that: By-law 60-2020, being a by-law to confirm the proceedings of the special Council meeting of November 17, 2020, be read a first and second time, and that By-law 60-2020 be read a third and final time and passed.

Carried.

Adjournment

R-282-20 Moved by Councillor Halpenny, Seconded by Councillor Molloy

Be it hereby resolved that: This special meeting of the Council of the Corporation of the Village of Merrickville-Wolford does now adjourn at 6:45 p.m. until the next special meeting of Council on Tuesday, November 17, 2020 at 7:30 p.m.

Carried.



J. Douglas Struthers, Mayor

Doug Robertson, CAO/Clerk