



Committee of Adjustment Meeting Minutes

Tuesday, January 19th 2021, 4:00 PM

Location: Electronic Meeting

Accessible formats or communication supports are available upon request. Please contact the Clerk's Office at clerks@essex.ca or 519-776-7336 extension 1100 or 1101.

Present: Percy Dufour, Chair
Brain Gray, Co-Chair
Phil Pocock, Committee Member
Ray Beneteau, Committee Member
Dan Boudreau, Committee Member

Also Present: Corinne Chiasson, Secretary Treasurer / Assistant Planner
Sarah Aubin, Recording Secretary / Planning Assistant
Rita Jabbour, Manager Planning Services
Lori Chadwick, Director Development Services

Regrets: None

Absent: None

1. Call to Order

The Chair called the meeting to order at 4:00 PM

2. Declarations of Conflict of Interest

There were no declarations of conflict of interest noted at this time.

3. Adoption of Published Agenda

3.1 Committee of Adjustment Meeting Agenda for January 19th 2021

COA21-01-01

Moved by Ray Beneteau

Seconded by Brian Gray

That the published agenda for the January 19th 2021 Committee of Adjustment Meeting be adopted as presented

Carried

4. Adoption of Minutes

4.1 Committee of Adjustment Meeting Minutes for December 15, 2020

COA21-01-02

Moved by Dan Boudreau

Seconded by Phil Pocock

That the minutes of the Committee of Adjustment Meeting held December 15th 2020 be adopted as circulated.

Carried

5. Public Presentations

None

6. Unfinished Business

6.1 Election of the Chair for the Committee Season 2021

Dan Boudreau nominated Percy Dufour for the position of Chair

Percy Dufour accepted the nomination

COA21-01-03

Moved by Dan Boudreau

Seconded by Ray Beneteau

That Percy Dufour be nominated for the position of Chair of the Committee of Adjustment effective January 2021.

Carried

It is noted that there are no other nominations for the position of Chair of the Committee, and that Percy Dufour is there for acclaimed as Chair of the Town of Essex Committee of Adjustment.

6.2 Election of the Vice Chair for the Committee Season 2021

Percy Dufour nominated Ray Beneteau for the position of Vice Chair

Ray Beneteau denied the nomination

Dan Boudreau nominated Brian Gray for the position of Vice Chair

Brian Gray accepted the nomination

COA21-01-04

Moved by Dan Boudreau

Seconded by Phil Pocock

That Brian Gray be nominated for the position of Vice Chair of the Committee of Adjustment effective January 2021.

Carried

7. Reports from Administration

7.1 Corinne Chiasson, Assistant Planner RE:

**Application B-01-21 Bill & Yvette Woodiwiss 4936 4th Concession
(Colchester South, Ward 3)**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 4936 4th Concession in the former township of Colchester South. The applicants are proposing to sever a ± 10 acre parcel from the existing ± 26.66 acre lot which is zoned Estate Residential District 1.2 (R1.2). The applicant is proposing this consent for the purpose of lot creation

7.1.1 Public Presentations (if any)

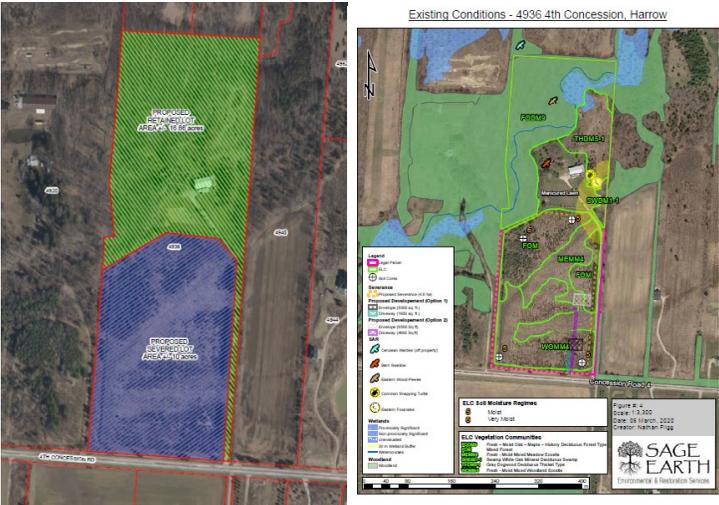
Official Plan Designation: Estate Residential

Zoning Category: Estate Residential 1.2 (R1.2) – Pleasant Valley – estate residential, limited agricultural uses

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 4936 4th Concession in the former township of Colchester South. The applicants are proposing to sever a ± 10 acre parcel from the existing ± 26.66 acre lot which is zoned Estate Residential District 1.2 (R1.2). The applicant is proposing this consent for the purpose of lot creation.

The subject lands contain the following natural heritage features: significant woodland, provincially significant wetlands, significant valleylands) as well as a plantation area, and a floodplain hazard area. The proposed northern property line of the severed lot will run adjacent to the top of the high bank, keeping the new lot extents outside of the hazard land feature (Cedar Creek Floodway). These items are shown on the map below.

Creation of a new lot is defined as “development” under the 2020 Provincial Policy Statement (PPS). Therefore the owners were required under the policies of the Provincial Policy Statement (PPS), and the Town of Essex Official Plan (OP), to submit an Environmental Impact Assessment (EIA) for review prior to submission of this Planning Act application (Consent). The Environmental Impact Assessment was completed by Sage Earth Environmental & Restoration Services on behalf of the applicant.



Assessment of Conformity with the Provincial Policy Statement and the Town of Essex Official Plan Policies:

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

- a) *the proposal's consistency with Provincial legislation, policies and guidelines (Provincial Policy Statement):*

The subject site contains one existing single family dwelling, accessory structures, and the remaining balance of the property contains provincially significant wetland/valley land, floodplain hazard, and an upland significant woodland. In accordance with the Provincial Policy Statement (PPS) Section 2.1 states: "natural features shall be protected for the long term. Section 2.1.4 states: "development and site alteration shall not be permitted in: a) significant wetlands". Section 2.1.5 further states development shall not be permitted within b) significant woodlands, and c) significant valleylands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. **In order to satisfy the policies of the PPS noted above, the applicant is required to demonstrate that no negative impacts will result from this severance.** As prescribed through the Town of Essex Official Plan, and through consultation with the Essex Region Conservation Authority (ERCA), the applicant's consultant conducted an Environmental Impact Assessment (EIA) on the subject property to determine the feasibility of the proposed lot creation, and provide evidence of a demonstration of no negative impact that would satisfy the requirements of the PPS. Upon review by ERCA and Town staff we can conclude that the EIA was completed by a qualified consultant, and the recommendations of the study are an acceptable demonstration of no negative impact which are as follows: 1) the EIA identified the location of two suitable building envelopes where construction and placement of fill could take place without destroying protected habitat of species at risk/endangered species and 2) the study recommends that a conservation easement be placed over the balance of the severed lands to protect the significant natural heritage features and protected habitat identified, in perpetuity. This application for consent, as a result of the EIA review process, and the proposed conditions of approval, therefore is consistent with the natural heritage policies of the PPS. The applicant is in full agreement with applying the Conservation Easement as a condition of this severance. It is their full intension to protect the portion of the lands outside of the building envelopes, in perpetuity.

- b) *The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:*

Severances are permitted in the Estate Residential designation provided they meet the provisions in the Zoning By-law. The minimum lot size provision in Estate Residential is 4 hectares (10 acres), this proposal satisfies this provision. Further, Section 5.3 of the Town of Essex Official Plan states that: **development and site alteration may only occur**

within the “Natural Heritage Overlay” if it has been demonstrated to the satisfaction of the municipality that there will be no negative impacts on the natural heritage features or their ecological functions”. As noted above, the applicants wish to protect the natural heritage feature in perpetuity. ERCA and Town staff are in agreement that the placement of a Conservation Easement is an acceptable demonstration that no negative impacts or future development will occur on the severed lands outside of the two identified building envelopes. Section 6.1 of the Town of Essex Official Plan states the “division of land will not be allowed where development could occur on lands subject to flooding and erosion or other unstable conditions”. The minor irregular configuration of the proposed north property line (severed) ensures that the new lot will be located completely outside of the floodplain hazard.

Comments were received from the Essex Region Conservation Authority (ERCA). ERCA’s full comments are attached to this planning report. A summary of these comments are included below for convenience.

“The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the West Branch Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

We note that our office has reviewed the EIA for the proposed development, and our review is attached for your information and consideration. Based upon our review of the EIA, it is our recommendation to the Planning Authority that the proposed development may be approved subject to full implementation of all recommendations contained within the EIA.”

- c) *The continuation of an orderly development pattern:* The proposed building envelopes identified in the EIA will satisfy proper setbacks for a residential home and potential outbuildings as well as a required private septic system. This proposal will create an infill lot that meets the minimum lot size requirements for the Estate Residential Zoning category. The proposed lot will also have access to a municipal road, Concession Road 4. This access will not create traffic or access conflicts.
- d) *Adequate provision of potable water supply, sanitary sewage treatment and disposal, and stormwater management in accordance with the provisions of the OP.* This proposal has demonstrated that the identified building envelopes are adequate in size to support the area required for a private septic system, as well as confirmation that the site will have access to municipal water services.

Actions:

Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the Owner registers a Conservation Easement over the severed parcel with the omission of the 2 building envelopes identified in the Environmental Impact Assessment completed by Sage Earth in favour of the Town of Essex, to protect the natural heritage feature in perpetuity, to the satisfaction of the Town of Essex, in consultation with the ERCA.
- f) That all of the above conditions be fulfilled on or before January 19, 2022

**Essex Region Conservation Authority Comments from Vitra Vimalananthan,
Resource Manager**

The following is provided as a result of our review of Application for Consent B-01-21 the applicant is proposing to sever a 10 acre parcel from the existing 26.66 acre lot which is zoned Estate Residential District 1.2.

**DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN
NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE
CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the West Branch Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is within, and/or is adjacent to (within 120 metres of), a natural heritage feature that is identified as a significant wetland (Cedar Creek Wetland Complex (ER 15)), significant woodland, significant valleyland, significant wildlife habitat under the Provincial Policy Statement (PPS).

Section 2.1.4 of the PPS, 2020 states - "Development and site alteration shall not be permitted in

"significant wetland" and "significant coastal wetlands."

Section 2.15 of the PPS states - Development and site alterations shall not be permitted in significant woodland... and significant valleyland... and significant wildlife habitat...unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Our information indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS, 2020 – "Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements". All species listed as endangered or threatened (aquatic species, plants, mammals, birds, reptiles, amphibians, etc.) as well as their related habitats, are protected under the Ontario Endangered Species Act. Prior to initiating any proposed works on this property, it is the proponent's responsibility to contact the Species at Risk Branch of the Ontario Ministry of Environment, Conservation & Parks (MECP) to ensure all issues related to the Endangered Species Act are addressed. All inquiries regarding the Endangered Species Act should be made with Permissions and Compliance Section of the MECP (e-mail address: SAROntario@ontario.ca).

Our information indicates that the subject parcel is likely to support fish habitat. As per Section 2.1.6 of the PPS, 2020 – "Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements." Inquiries regarding the applicability of fish habitat to the property should be made to the federal Fisheries and Oceans Canada website: www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html.

The demonstration of no negative impact, as required by the relevant PPS policies outlined above, is most effectively accomplished through the completion of an Environmental Impact Assessment (EIA), in accordance with the EIA Guidelines published by ERCA.

We note that our office has reviewed the EIA for the proposed development, and our review is attached for your information and consideration. Based upon our review of the EIA, it is our recommendation to the Planning Authority that the proposed development may be approved subject to full implementation of all recommendations contained within the EIA.

FINAL RECOMMENDATION

ERCA has no objection to this application for consent.

Discussion

Corinne Chiasson, Assistant Planner, explains the application

COA21-01-04

Moved by Brian Gray

Seconded by Ray Beneteau

That application B-01-21 be **granted** to sever a \pm 10 acre parcel from the existing \pm 26.66 acre lot.

Carried

Reason for Decision: The Application **is** in keeping with subsection 6.4 of the Town of Essex Official Plan respecting consents.

Actions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the Owner registers a Conservation Easement over the severed parcel with the omission of the 2 building envelopes identified in the Environmental Impact Assessment completed by Sage Earth in favour of the Town of Essex, to protect the natural heritage feature in perpetuity, to the satisfaction of the Town of Essex, in consultation with the ERCA.
- f) That all of the above conditions be fulfilled on or before January 19, 2022

7.2 Corinne Chiasson, Assistant Planner RE:

Application B-02-21 1352198 Ontario Inc. (Agent: Wayne Mills) 347 Maidstone Ave (Essex Centre, Ward 1)

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 347 Maidstone Ave in Essex Centre. The applicants are proposing to sever a \pm 0.43 acre parcel from the existing \pm

1.314 acre Commercial District 3.1 (C3.1). The applicant is proposing this consent for the purpose of lot addition to the vacant land to the north of the subject property

7.2.1 Public Presentations (if any)

Official Plan Designation: "Central Commercial - Essex"

Zoning Category: Commercial District 3.1 (C3.1) – Highway Commercial uses – (located along main roads adjacent to urban centres)

An application for consent has been received by the Town of Essex Committee of Adjustment for the lands located at 347 Maidstone Ave in Essex Centre. The applicants are proposing to sever a ± 0.43 acre parcel from the existing ± 1.314 acre lot zoned Commercial District 3.1 (C3.1). The applicant is proposing this consent for the purpose of a lot addition to the vacant land to the north of the subject property (337 Maidstone Ave).

The applicant is applying for this lot addition in order to provide the adjacent property, identified as 337 Maidstone Ave, with a new access, and additional area for a stormwater management pond. 337 Maidstone Ave is technically landlocked due to the location of the municipal boundaries of the Town of Essex and the Municipality of Lakeshore shown on the map below (blue dotted line). Historically, 337 Maidstone Ave was accessed through 2073 Naylor Side Road, which lies just east of the subject property. The severed area which will eventually contain a stormwater management facility, is required to support future development on 337 Maidstone Ave. The applicant owns the subject property, 347 Maidstone Ave, as well as 337 Maidstone Ave and 2073 Naylor Side Road. The owner wishes to correct this access issue, install required stormwater management measures, and utilize the existing vacant area behind 347 Maidstone Ave, in order to develop 337 Maidstone Ave for a bus repair depot.



Proposal Conformity with the Provincial Policy Statement and Town of Essex Official Plan Policies

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

a) the proposal's consistency with Provincial legislation, policies and guidelines (Provincial Policy Statement):

This proposal does not conflict with the policies of the PPS. This proposal supports Section 1.3.1 "Employment" which states "b) providing opportunities for a diversified economic base, including a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses".

b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:

The Town of Essex Official Plan Section 5.13 "Lands designated – Town Centre" c) recognizes that town centres are dynamic and must be able to evolve, adapt and redevelop as market conditions, consumer needs and preferences, change over time. The long established business office located at 347 Maidstone Ave has an adequate parking area, access and services, and potential room to expand in the future. The lands subject to this severance are deemed surplus to the needs of this commercial business. No changes are proposed to the existing building or business at 347 Maidstone Ave at this time. The severed parcel will be utilized to install a stormwater management facility (pond) and a new access driveway to the property at 337 Maidstone Ave, which will support a new bus repair business. Any new development on the severed or retained lands will be subject to the implementing Zoning By-law and Site Plan Control review process.

c) The continuation of an orderly development pattern:

The proposed lot addition will correct an access issue for 337 Maidstone Ave being technically landlocked due to the municipal jurisdiction boundary. The new access will not affect traffic or parking issues along Maidstone Ave.

d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:

The subject lot has access to municipal water, and is serviced by storm and sanitary sewers. Future development on the severed parcel and abutting 337 Maidstone Ave, will be subject to the Site Plan Control review process. Stormwater management measures and buffering from adjacent properties will form components of the SPC development agreement.

Public Comment

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of Friday January 15, 2021.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

We did not receive comments of objection from internal department circulation.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the severed parcel be consolidated with the lands identified as 337 Maidstone Ave. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.
- f) That all of the above conditions be fulfilled on or before January 19, 2022

**Essex Region Conservation Authority Comments from Vitra Vimalananthan,
Resource Manager**

The following is provided as a result of our review of Application for Consent B-02-21 to sever a 0.43 acres parcel from the existing 1.314 acre Commercial District 3.1 (C3.1). The applicant is proposing this consent for the purpose of lot addition to the vacant land to the north of the subject property.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES ASSOCIATED WITH THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

FINAL RECOMMENDATION

With the review of background information and aerial photographs, ERCA has no objection to this application for Consent.

Discussion

Corinne Chiasson, Assistant Planner, explains the application

COA21-01-05

Moved by Phil Pocock

Seconded by Ray Beneteau

That application B-02-21 be **granted** to sever a + 0.43 acre parcel from the existing + 1.314 acre. The severed parcel will be added to the vacant land to the north identified as 337 Maidstone Ave.

Carried

Reason for Decision: The Application **is** in keeping with subsection 6.4 of the Town of Essex Official Plan respecting consents.

Actions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the severed parcel be consolidated with the lands identified as 337 Maidstone Ave. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.
- f) That all of the above conditions be fulfilled on or before January 19, 2022

8. Correspondence

9. New Business

9.1 B-18-20 3873 3rd Concession Rd Marc and Rose Johnston

Request to change condition (G) on consent application B-18-20. Condition G reads: "That the Owner registers a Conservation Easement over the severed parcel

in favour of the Town of Essex, to protect the natural heritage in perpetuity, to the satisfaction of the Town of Essex, in consultation with ERCA”

Discussion:

Corinne Chiasson, Assistant Planner advised the members of the request of Marc and Rose Johnston with regards to the removal of condition (G) with regards to application B-18-20.

Brian Gray, Vice Chair stated that during the December Committee of Adjustment meeting the applicant Marc Johnston was in favour of the condition as if an Environmental Impact Assessment would have been done as an alternate the cost to do so would be greater than a Conservation Easement.

Percy Dufour stated that if the applicant did indeed have concerns over the condition after the Committee meeting the applicant was then able to appeal the decision and conditions and did not do so with the Local Planning Appeal Tribunal (LPAT).

COA21-01-06

Moved by Ray Beneteau

Seconded by Brian Gray

That the condition (G) on consent application B-18-20 remain as a required condition.

Condition (G) reads: “That the Owner registers a Conservation Easement over the severed parcel in favour of the Town of Essex, to protect the natural heritage in perpetuity, to the satisfaction of the Town of Essex, in consultation with ERCA”.

Carried

10. Notices of Motion

11. Adjournment

COA21-01-07

Moved by Ray Beneteau

Seconded by Phil Pocock

That the meeting be adjourned at 5:04 PM

Carried

Chair

Recording Secretary