



THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD

MINUTES

Regular Council Meeting
Monday March 11, 2024
7:00 p.m. Council Chambers, Fingal/Via Video Link

COUNCIL PRESENT: Mayor Grant Jones (virtually) (7:05 p.m.)
Deputy Mayor Justin Pennings (virtually) (7:35 p.m.)
Councillor John Adzija
Councillor Sarah Emons
Councillor Scott Fellows

ALSO PRESENT: Lisa Higgs, CAO/Clerk
Aaron VanOorspronk, Director of Infrastructure & Development
Services
Jeff McArthur, Director of Emergency Services/Fire Chief
Danielle Truax, Planner
Kevin Goodhue, Water/Wastewater & Compliance Superintendent
Brent Clutterbuck, Drainage Superintendent
June McLarty, Deputy Clerk

CAO/Clerk Lisa Higgs called the meeting to order at 7:02 p.m.

Meeting Chair Appointment

2024-067 Councillor Fellows – Councillor Adzija

THAT Councillor Emons be appointed as chair for the March 11, 2024 Council meeting.

CARRIED

ADDENDUM TO AGENDA: None

DISCLOSURES: None

ADOPTION AND REVIEW OF MINUTES:

Council Minutes – Adopt

2024-068 Councillor Adzija – Councillor Fellows

THAT the Minutes of the Regular Council Meeting of February 26, 2024 are hereby adopted.

CARRIED

REPORTS:

FIR 2024-04 Activity Report – January and February 2024

Jeff McArthur presented this report. He also reported that the Shedden Fire Station has recently hosted a fire school session.

CBO 2024-06 Activity Report – February 2024

This report was presented to Council

ENG 2024-17 Activity Report – February 2024

Aaron VanOorspronk presented this report to Council.

ENG 2024-18 Additional Talbotville EA Addendum Work

2024-069 Councillor Fellows – Mayor Jones

THAT Report ENG 2024-18 titled Additional Talbotville EA Addendum Work be received for information; and,

THAT Council award the additional works to Stantec in the amount of \$46,511.00 excluding HST.

Recorded Vote	Yeas	Nays
J. Adzija	√	
S. Emons	√	
S. Fellows	√	
G. Jones – Mayor	√	
J. Pennings		

CARRIED

CAO 2024-08 Activity Report – February 2024

Lisa Higgs presented this report to Council.

PLANNING:

Zoning By-law Amendment

7:15 p.m. ZBA 2024-01 Domus Developments (London) Inc. C/O Cyril J. Demeyere Limited (Deren Lyle), 4431 Union Road

In attendance: B. Rossar, D. Lyle, A. Muirhead, M. Mescia, D. Mescia, J. and M. Van de Gevel, B. Veliofski, and E. McLeod

Opening of Public Meeting for ZBA 2024-01

2024-070 Councillor Fellows – Councillor Adzija

THAT Council of the Township of Southwold now sits as a public meeting under the Planning Act to consider Zoning By-law Amendment file no. 2024-01, filed by Domus Developments (London) Inc. C/O Cyril J. Demeyere Limited (Deren Lyle), 4431 Union Road opens at **7:16 p.m.**

Recorded Vote	Yeas	Nays
J. Adzija	√	
S. Emons	√	
S. Fellows	√	
G. Jones – Mayor	√	
J. Pennings		

CARRIED

The Chairperson stated that this is a public meeting as required by Section 34 of the Planning Act to afford any person an opportunity to make representation with respect to a proposed Zoning By-law Amendment to rezone the subject property legally described as Part of Lot 16, Range 1 and Part of Lot, Range 2, South of Union Road, municipally known as 4431 Union Road. The proposed Zoning By-law Amendment (ZBA) Application would rezone the subject property from Settlement Reserve (SR) Zone to the requested site specific residential(R2) and Residential 3 (R3) Zones. The proposed zoning seeks to establish site specific provisions to reduce the require exterior rear yard setbacks, increase the permitted maximum lot coverage, and permitted encroachments for decks in the rear yard.

The Chairperson asked if any members of Council had a disclosure of interest concerning the proposals. No disclosures were declared.

The Chairperson asked what method of notice and when was the notice given to the public for this meeting. The Clerk responded that a notice was mailed to the neighbouring property owners within 120 meters of the subject lands and emailed to

commenting agencies on February 1st, 2024. A sign was posted on the property prior to the deadline of February 21st, 2024.

Planner Danielle Truax presented her report to the members of the Council and the public. The report included the proposals for the rezoning and draft plan of subdivision. Ms. Truax noted that the staff is in support of the amendments for the R2 and R3 zones but not supportive of the deck encroachment on the rear side yard. Along with the residential amendment there is also an amendment from Settlement Reserve to Open Space. The by-law will include the changes in the zoning mapping. Ms. Truax highlighted some administrative changes made to the zoning by-law. Staff are recommending the deck encroachment maintain the current provisions of the zoning by-law is to be permitted project 1.5m into the rear yard and built decks below the 2ft at any setback. Ms. Truax also highlighted the conditions that are being imposed by the Township for the draft plan of subdivision.

The Chairperson asked if any comments were received from staff. The Clerk responded yes. Staff comments were received, as detailed in the Planning Staff Report.

The Chairperson asked if any written submissions were received on this application. The Clerk responded that agency comments were received, as detailed in the Planning Staff Report. Public comments were received as detailed in the staff report.

The Chairperson stated that before the floor is open to questions from the public, please be advised if any person from the public wishes to receive further information on the action of Council regarding the decision on the application for the Zoning By-law Amendment, please ensure that they email their name, address, postal code and phone number to the planner or clerk by March 12, 2024. Any person that has contacted the planner to be part of the public meeting today will receive this further information automatically.

Deren Lyle from CJDLC Consulting Engineers identified himself as well as Barb Rossar, Planning Consultant. They are present to answer any questions from Council or the public.

In favour of the staff report and understand the public and agency comments that were received. Domus has worked with Great Lakes Farms on developing warning clauses for draft plan of approval.

A couple of issues relating to the rezoning. The H to H-1 zoning is agreeable and hope it will be in the Council resolution. The deck encroachment of 4 m was based on other projects. A 1.5m deck that provides entering and existing in the rear of a dwelling is not really a deck and requires a great deal of step down. Most people would like a deck that is bigger than 1.5m. It is a standard for other projects.

Ms. Rosser commented that there is no problem with the restrictions in rear yard in the R-2 Zone but in R-3 condos it may be difficult for the restrictions on the rear yard only. This

may be a problem for certain lots. The developer is requesting that support the 4m encroachment and remove the stipulation on the R-3 Zone. A minor variance could be applied for but is not recommended by the developer. Normal practice is to apply for a building permit that includes the dwelling and a deck at the same time. Greater than 1.5m for the deck would require the process of a minor variance.

Ms. Rosser also commented on the permitted R-3 use in a street a rowhouse. Rowhouse meets Domus requirements. The permitted use be rowhouse. Supports in the other accepts of the recommendation on the conditions for draft plan of subdivision and the minor revisions. Looking for support on the project and looking forward to working on the project.

Ms. Truax asks for clarification on the 2 blocks that developed as townhouses in the Planning Justification Report and diagram that was provided. She questions if they were to be developed as standard or vacant lot. Mr. Lyle responded that they would be vacant land condos is the anticipated land development. Ms. Truax commented that there are no lot lines shown from these townhouses on the sketch so they would make them standard not a vacant lot. Language is specific in the by-law. When the lot lines are added with rears fronts and sides. Mr. Lyle responded that the lot lines are as described in the staff report.

The Chairperson asked that if there are any member of the public that they identify themselves that they wish to make comments on this application.

M. Van de Gevel identified herself. Confirming the warning clauses are on the title of each lot explain the noises the machinery makes. Thanked Council and Domus for working on this project. Concerns about current and future costs for the drainage and the stormwater management pond and has worked Brent Clutterbuck, Drainage Superintendent. Ms. Van de Gevel questioned the fencing at the rear of the property. Would like a secondary fence to protect agricultural property. Would split costs with developer. Asking Council for access to this fencing.

Chairperson Emons asked if there were any questions from Council.

Mayor Jones commented on deck and rear yards stating it should be on a case by case basis. He agreed with staff's recommendations. Mayor Jones asked about the width of roads for people to park on one side. Mr. VanOorspronk they should support one side for parking as per the subdivision and site plan.

Councillor Emons asked about fencing. Are we asking for additional fencing for the 30m before we get to the wetlands or the fencing for the rear yard of the development? Mr. VanOorspronk responded that a discussion has made to put a black chain fence 1.5 m inset, 1 ft or a normal distance into the conveyed parcel that would be owned by

Township. The required parameter fencing. There would be an extension to the cross the swim block to limit access and gate to the orchards. Councillor Emons inquired if the residents have to put up their own fencing for their yards. Mr. Lyle the only fencing from the subdivision is the permitter fencing anything internal would be on the house owner. The only discussion is the parallel fencing where residential area meets wetlands. Domus is working with Great Lakes Farms.

Councillor Emons asked about future drainage costs would be apportioned to the residents. Mr. Clutterbuck responded that development pays for development. The swim pond would be constructed and maintained by the developer until the municipal assumes it. Swim pond will have an outlet to the Turville Drain.

Ms. Truax commented that staff will remove the references to side and rear yards in the deck encroachment in the by-law.

PLA 2024-01 ZBA 2024-01 Domus Developments (London) Inc. C/O Cyril J. Demeyere Limited (Deren Lyle), 4431 Union Road

2024-071 Councillor Fellows – Deputy Mayor Pennings

THAT Council approve Zoning By-law Amendment Application ZBA 2024-01 to rezone the subject property from Settlement Reserve (SR) Zone to Residential 2 Holding (R2-1(H-1)) Zone, Residential 3 Holding (R3-6(H-1)) Zone and Open Space (OS) Zone, as presented in By-law 2024-17, as amended (administrative corrections) and as recommended by staff (excluding deck encroachment) attached as Appendix 2 to Report PLA 2024-01, as revised; and,

THAT Council recommend approval of the proposed Draft Plan of Subdivision 34TSO2401 to Elgin County, subject to the conditions listed in Appendix 3 of Report PLA 2024-01 being assigned to any Notice of Decision by the County; and

THAT subject to no concerns being raised at the public meeting, that By-law 2024-17, as amended and as recommended by staff to amend Zoning By-law 2011-14 be presented at the regular meeting of Council on March 11, 2024 for adoption. (PLA 2024-01)

Recorded Vote	Yeas	Nays
J. Adzija	√	
S. Emons	√	
S. Fellows	√	
G. Jones – Mayor	√	
J. Pennings	√	

CARRIED

The Chairperson stated that please be advised that the decision may be appealed to the Ontario Land Tribunal by the applicant. The meeting is now concluded.

Closing of Public Meeting for ZBA 2024-01

2024-072 Councillor Fellows – Councill Adzija

THAT the public meeting to consider the application to amend the zoning on the property owned by Domus Developments (London) Inc. C/O Cyril J. Demeyere Limited (Deren Lyle), 4431 Union Road closes at **8:03 p.m.**

Zoning By-law Amendment

8:00 p.m. ZBA 2024-02 New Wave Home Design Inc. C/O Connor Wilks, Dillon Consulting Limited, 8068 Union Road

In attendance: C. Wilks, M. Cera, C. Annett

Opening of Public Meeting for ZBA 2024-02

2024-073 Mayor Jones – Councillor Fellows

THAT Council of the Township of Southwold now sits as a public meeting under the Planning Act to consider Zoning By-law Amendment file no. 2024-02, filed by New Wave Home Design Inc. C/O Connor Wilks, Dillon Consulting Limited, 8068 Union Road opens at **8:05 p.m.**

Recorded Vote	Yeas	Nays
J. Adzija	√	
S. Emons	√	
S. Fellows	√	
G. Jones – Mayor	√	
J. Pennings	√	

CARRIED

The Chairperson stated that is this a public meeting as required by Section 34 of the Planning Act to afford any person an opportunity to make representation with respect to a propose Zoning By-law Amendment to rezone the subject property at 8068 Union Road from Residential 1 (R1) Zone to Site Specific Residential 1 Zone to permit single detached dwellings with a reduced minimum lot frontage, establish a minimum lot area and permit a reduced southern side yard for Lot 4. The application further seeks to rezone the retained lands to Residential Holding (R1H) Zone to ensure all conditions of future subdivision development are satisfied prior to any site development or alternation.

The Chairperson asked if any members of Council had a disclosure of interest concerning the proposals. None were declared.

The Chairperson asked what method of notice and when was the notice given to the public for this meeting. The Clerk responded that a notice was mailed to neighbouring Property owners within 120 metres of the subject lands and emailed to commenting agencies on February 20th, 2024. A sign was posted on the subject property prior to the deadline of February 21st, 2024.

Planner Danielle Truax presented her report to the members of Council and the public.

The Chairperson asked the Clerk if any comments were received from staff. The Clerk responded yes. Staff comments were received, as detailed in the Planning Staff report. The Chairperson asked if any written submissions were received on this application. The Clerk responded that agency comments were received, as detailed in the Planning Staff Report. No public comments were received at the time of writing the Planning Staff Report. Comments were received after the writing of the Planning Staff Report.

The Chairperson stated that before the floor is open to questions from the public, please be advised that if any person from the public wished to receive further information on the action of Council regarding the decision on the application for the Zoning By-law Amendment, please ensure that they email their name, address, postal code and phone number to the Planner or Clerk by March 12, 2024. Any person that has contacted the Planner to be part of the public meeting by March 11, 2024 will receive this further information automatically.

The Chairperson asked if the owner and/or applicant were in attendance. If so, please identify yourself so the Township has a record of your attendance at this public meeting, with your name and address. Connor Wilks, Dillon Consulting Inc, Agent identified himself. Mr. Wilks commented that he approves the interior side yard for lot 4 to be 4m.

The Chairperson asked if anyone from the public was here for the meeting to identify themselves with their name and civic address.

M. Cera of 8058 Union Road identified themselves. Mr. Cera voiced his concerns about the loss of mature trees that are along the property line of the subject property. He was also concerned about the roadway to the future development that will be located next to his property and the maximum height of the houses. Mr. Wilks responded that a tree preservation report is being prepared as part of the draft plan of subdivision and zoning by-law for the retained parcel. Mr. Van Oorspronk responded that the access concerns would be dealt with the draft plan of subdivision process and the installation of a permitter fence. Ms. Truax commented the properties will remain in the R1 zone and the current permitted height for dwellings is 12m. No changes have been requested for the R1 zone.

C. Annett, Lanark Street commented that he had similar concerns about the removal of mature trees. He also commented that he was concerned about the sizes of the proposed 4 lots as he felt they were too big. Not against growth. He was also concerned about the runoff and the environmental obligations.

Ms. Truax commented on the existing lot sizes within the hamlet or settlement area. The lot frontage is minor in nature and the lots are smaller. The policies are there for the settlement area to be used to the best of their ability. This area will be served by sanitary and we need to be more cost effect. Now that the lots have been approved, we now recognize the size. We must consider the Provincial Policy Statement.

Mr. VanOorspronk commented that the tree preservation will be addressed through the draft plan of subdivision. If the trees are on a property line, we can ask them to be protected. A perimeter fence will be required as well as lot grading plan. The proponent has been required to enter into a Mutual Drain Agreement for the Fowler Drain. Mr. Clutterbuck has requested that a working corridor be provided for future maintenance on the Fowler Drain. No plans to develop the property on the other side of the ditch.

Councillor Emons commented that is not the normal development in Fingal and a shift in provincial policy is directing how municipalities develop lands. Changes to servicing and efficient use of land. Through the strategic plan we want to preserve agriculture lands. This property is in the settlement area.

Mayor Jones commented that agrees on the lot sizes, but we don't have a choice in that matter now. We want to preserve our farmland. Affordable opportunities for young families and retired people to have a smaller home.

Deputy Mayor Pennings questioned the trees on the south portion of this lot and boundary trees are considered common property. Both owners would need to agree on the future of these trees. If there is a fence required what would happen to the trees along the same line. Ms. Truax responded on those questions would be answered when we receive the Tree Preservation Report and the applicant's suggestions. Residents will receive notice of draft plan of subdivision and staff can also note these concerns in future reports.

Mr. Wilks advised Council and the public that a revised concept plan for the rear of the property has been submitted to the County.

PLA 2024-02 ZBA 2024-02 New Wave Home Design Inc. C/O Connor Wilks, Dillon Consulting Limited, 8068 Union Road

2024-074 Mayor Jones – Councillor Fellows

THAT Council approve Zoning By-law Amendment Application ZBA 2024-02 to rezone the subject property as follows:

- i) Lots 1-3 from Residential 1 (R1) Zone to Residential 1 (R1-36) Zone to permit a reduced lot frontage from the required 15m (49 ft.) to 14m (45.9ft.) and to establish a minimum lot area of 590 m² (6350 sq. ft);
- ii) Lot 4 from Residential 1 (R1) Zone to Residential 1 (R1-37) Zone to permit a reduced lot frontage from the required 15m (49 ft.) to 14m (45.9ft.),to establish a minimum lot area of 590 m² (6350 sq. ft and to establish a side yard setback (south) of 2.4m (7.87 ft.) for main and accessory structures and prohibit garage door openings, parking spaces and driveways along the southern property line; and
- iii) Retained lands from Residential 1 (R1) Zone to Residential 1 Holding (R1H) Zone; and,

THAT subject to no concerns being raised at the public meeting, that By-law 2024-18 to amend Zoning By-law 2011-14 be presented at the regular meeting of Council on March 11, 2024 for adoption. (PLA 2024-02).

Recorded Vote	Yeas	Nays
J. Adzija	√	
S. Emons	√	
S. Fellows	√	
G. Jones – Mayor	√	
J. Pennings	√	

CARRIED

The Chairperson advised the public that the decision may be appealed to the Ontario Land Tribunal by the Applicant.

Closing of Public Meeting ZBA 2024-02

2024-075 Councillor Adzija – Councillor Fellows

THAT the public meeting to consider the application to amend the zoning on the property owned by New Wave Home Design Inc. C/O Connor Wilks, Dillon Consulting Limited, 8068 Union Road closes at **8:40 p.m.**

Recorded Vote	Yeas	Nays
J. Adzija	√	
S. Emons	√	

S. Fellows	√
G. Jones – Mayor	√
J. Pennings	√

CARRIED

REPORT:

CAO 2024-09 Solar Eclipse Planning 2024

2024-076 Councillor Fellows – Deputy Mayor Pennings

THAT Council receives the report on Solar Eclipse Planning 2024 as information and that Council affirms the recommended course of action proposed by staff.

Recorded Vote	Yeas	Nays
J. Adzija	√	
S. Emons	√	
S. Fellows	√	
G. Jones – Mayor	√	
J. Pennings	√	

CARRIED

CORRESPONDENCE:

- Fee Waiver Request – VON
- Fee Waiver Request – Shedden Soccer

Fee Waiver Request VON

2024-077 Councillor Fellows – Councillor Adzija

THAT Council of the Township of Southwold approves the \$515.00 fee waiver request from the VON for their Arthritis Society education session on Thursday April 25th, 2024 at the Keystone Complex.

Recorded Vote	Yeas	Nays
J. Adzija	√	
S. Emons	√	
S. Fellows	√	
G. Jones – Mayor	√	
J. Pennings	√	

CARRIED

Fee Waiver Request – Shedden Soccer

2024-078 Mayor Jones – Deputy Mayor Pennings

THAT Council of the Township of Southwold approves the \$980.00 fee waiver request from Shedden Soccer for the use of the meeting room at the Keystone Complex on April 17, 2024, May 4, 2024 and November 13, 2024 to hold their meetings.

Recorded Vote	Yeas	Nays
J. Adzija	√	
S. Emons	√	
S. Fellows	√	
G. Jones – Mayor	√	
J. Pennings	√	

CARRIED

BY-LAWS:

- By-law No. 2024-17, being a by-law to amend By-law No. 2011-14, Domus Developments (London) Inc., 4431 Union Road
- By-law No. 2024-18, being a by-law to amend By-law No. 2011-14, New Wave Design Inc., 8068 Union Road

By-laws

2024-079 Deputy Mayor Pennings – Councillor Fellows

THAT By-law Nos. 2024-17 and 2024-18 be read a first and second time, considered read a third time and finally passed this 11th day of March, 2024.

Recorded Vote	Yeas	Nays
J. Adzija	√	
S. Emons	√	
S. Fellows	√	
G. Jones – Mayor	√	
J. Pennings	√	

CARRIED

OTHER BUSINESS:

- Notice from Canada Post RE: Southwold Post Office

Council reviewed the item under Other Business.

CLOSED SESSION:

2024-080 Deputy Mayor Pennings – Mayor Jones

THAT Council of the Township of Southwold now moves again into a session of the meeting that shall be closed to the public at **8:58 p.m.** in accordance with Section 239 (2) of the Municipal Act, S.O. 2001, c. 25 for discussion of the following matters;

- Personal Matters about an identifiable individual, including municipal or local board employees (Section 239 (2)(b)) – Development Staffing
- A proposed or pending acquisition or disposition of land by the municipality or local board (Section 239 (2)(c)) – CN Rail Lands
- A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (Section 239 (2)(k)) – Sewage Allocation Negotiations with Developers

Recorded Vote	Yeas	Nays
J. Adzija	√	
S. Emons	√	
S. Fellows	√	
G. Jones – Mayor	√	
J. Pennings	√	

CARRIED

Adjournment of Closed Session

2024-081 Mayor Jones – Councillor Adzija

THAT Council of the Township of Southwold adjourns the Closed Session of the Regular Council meeting at **10:07 p.m.**

Recorded Vote	Yeas	Nays
J. Adzija	√	
S. Emons	√	
S. Fellows	√	
G. Jones – Mayor	√	
J. Pennings	√	

CARRIED

STAFF DIRECTION

Staff were directed by Council to the 3 items that were discussed in the Closed Session.

Confirming By-law

- By-law No. 2024-19, being a By-law to confirm the resolutions and motions of the Council of the Township of Southwold, which were adopted on March 11, 2024

Confirming By-law

2024-082 Councillor Fellows – Councillor Adzija

THAT By-law No. 2024-19 be read a first and second time, considered read a third time and finally passed this 11th day of March, 2024.

Recorded Vote	Yeas	Nays
J. Adzija	√	
S. Emons	√	
S. Fellows	√	
G. Jones – Mayor	√	
J. Pennings	√	

CARRIED

ADJOURNMENT:

2024-083 Councillor Fellows – Mayor Jones

THAT Council for the Township of Southwold adjourns this Regular meeting of Council at **10:08 p.m.**

Recorded Vote	Yeas	Nays
J. Adzija	√	
S. Emons	√	
S. Fellows	√	
G. Jones – Mayor	√	
J. Pennings	√	

CARRIED

Mayor
Grant Jones

CAO/Clerk
Lisa Higgs