

DATE: June 29th, 2020

REPORT NO: PD-074-20

SUBJECT: **Technical Report
Site Alteration Application
8365 Young Street – Bruno and Lilly Tassone
File No. 3000-001-20**

CONTACT: Brian Treble, Director of Planning and Building

OVERVIEW:

- During the spring of 2019, Mr. and Mrs. Tassone approached the Township about importing fill to 8365 Young Street.
- The fill was proposed to be imported to change the level of the ground in a specific low area and a proposed orchard area, as it affected lands zoned Agricultural 'A' at 8365 Young Street. The 'A' Zone permits agricultural uses plus uses accessory to the agricultural use.
- An application for a site alteration permit was submitted on March 17, 2020, just at the start of the pandemic. Notice was mailed to all affected agencies on April 15, 2020. Notice was then mailed to all neighboring property owners on June 1st, 2020, once a Consultation process (through Zoom technology) had been set.
- A proposed elevation plan has been prepared for the property and is dated March 13, 2020, and is found at attachment 2 to this report.
- Under this application, up to 1500 loads (15,000m³) is proposed.
- Based on the current site alteration by-law, a security deposit of \$5000.00 will be required along with a signed site alteration agreement, if this application is accepted. The deposit is required to ensure that all conditions are completed to the satisfaction of the Township, including the use of the land for agricultural purposes and to ensure no road damage, etc.

RECOMMENDATION

1. That, Report PD-074-20, regarding "Technical Report, Site Alteration Application, 8365 Young Street – Bruno and Lilly Tassone, File No. 3000-001-20", dated June 29th, 2020, be RECEIVED; and,
2. That, a recommendation report be provided at a future Council or Committee meeting.

ALIGNMENT TO STRATEGIC PLAN

Theme

- **Efficient, Fiscally Responsible Operations**

BACKGROUND

Township staff first received an inquiry that site alteration work was proposed at 8365 Young Street in early 2019. Township staff have met with Mr. and Mrs. Tassone on site and advised them of the need to involve an engineer in order to design a plan with proper swales, etc. Staff have also had discussions with an agent for Mr. and Mrs. Tassone who has been helping them design their farm plan.

It has been observed by staff that there has been fill imported to this property in the past to create a berm along Young Street. This work was done prior to the Township's current Site Alteration By-law (By-law 2016-41), and possibly as early as 2011.

CURRENT SITUATION

A site alteration permit application has been submitted for review. The application was received on March 17, 2020. The applicant proposes to import additional fill in order to raise the level of the soil on approximately 3.36 hectares (8.3 acres) of land by upwards of 1 metre at its lowest point.

It will be a requirement of the Township that the topsoil be stripped away prior to soil being imported and that the topsoil be placed back on the land after the project is complete.

Additional fill is being requested in an area to the east of the existing house as a feature to slow down wind speeds around an area that is proposed to be planted as a small fruit orchard.

In total, up to 15,000m³ (1500 truckloads) of soil is proposed to be imported and includes a mix of fill materials. Site Alteration By-law 2016-41 (as amended) permits up to 500m³/year of fill with no permit required. Between 500m³ and 1000m³ of soil being imported required a permit approved by Township staff; with anything more than 1000m³ of fill requiring approval of Township Council. The importation of less than 1000m³ of topsoil is exempt from the by-law.

Staff have been on site on one occasion and have observed the site from the road as well. The main area to be filled is north of the house and not very visible from the road. The drainage will be controlled by swales. Tan area of land to the north and west currently drains through this property.

The lands zoned 'A' (General Agriculture) are permitted to be used for agricultural purposes. The levelling of the land is permitted should agricultural improvements result. It is staff's opinion that the compliance with zoning is maintained, so long as the fields are able to be farmed again. Evidence that this can occur (crop can grow) will be required before the security deposit is returned.

Staff have a minimum of four concerns that will need to be addressed prior to a recommendation report being submitted, which are as follows:

1. Receipt of a statement by the farmer of the land that importing soil to raise the elevation of the proposed area to the north west of the house will improve the land for agricultural purposes.
2. Impacts on drainage have been raised as a concern by most of the neighbours. It appears an area to the north and west drains through this site and this should be accommodated in the new plan.
3. No plan has been provided for the fruit orchard and staff request a plan for this area as well.
4. A current condition assessment of Young Street prior to commencement of ant works.

This technical report is written in order to consider comments from neighbours, agencies, and Council before a recommendation report is prepared.

FINANCIAL IMPLICATIONS

If approval is ultimately granted, a security deposit for a total of \$5000.00 will be required to be provided by the owners and will be held, should approval be granted, until the work is completed and an agricultural crop is growing on the lands.

INTER-DEPARTMENTAL COMMENTS

Planning staff circulated the Notice of this application to the following agencies on April 15, 2020:

- NPCA
- Town of Grimsby
- City of Hamilton
- Region of Niagara
- Township Planning
- Township Building and By-law Department
- Township Public Works

There have been no comments from any of these agencies.

PUBLIC COMMENTS

There have been 4 public comments from neighbouring property owners received at this time. Three were received via email correspondence (attachment 3) and the other has spoken to Township staff since the notice was circulated. The main concern of the neighbour, who spoke with Township staff, was to ensure that the land is graded in such a way that the water from the lands to the north and west can continue to drain through the Tassone's property.

The email correspondence are from neighbours to the south east and south west who

also want to ensure that fill is properly graded so as to not impact drainage on their property. Concern is also expressed about imported fill, truck traffic on local roads, road damage, etc.

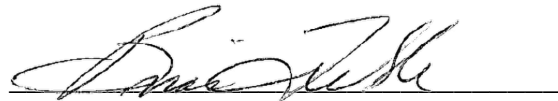
CONCLUSION

This technical report is provided in response to a site alteration application that was received on March 17, 2020. Notice was circulated to agencies on April 15th, 2020 and to the public on June 1st, 2020. To date, four public comments have been received, three via email and one verbally. A recommendation report will follow once adequate agency and public comment have been received and staff concerns have been sufficiently addressed.

ATTACHMENTS

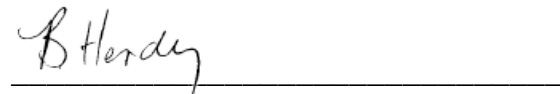
1. Location Map
2. Site Alteration Plan
3. Public Comments

Prepared by:



Brian Treble, RPP, MCIP
Director of Planning and Building

Approved By:



Beverly Hendry
CAO

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May 2020

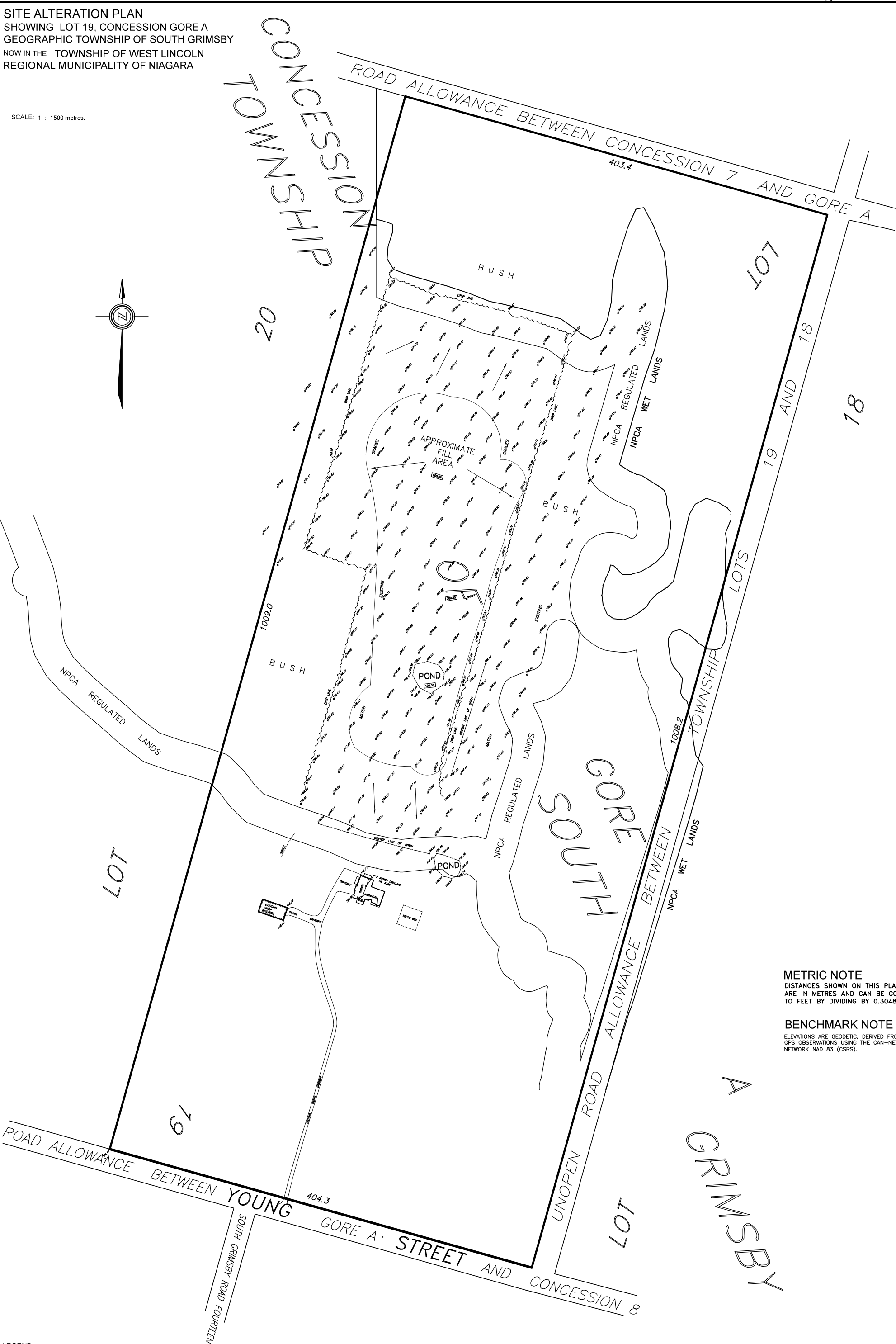
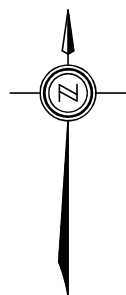
Location Map
ADDRESS



Document Path: X:\wl-GIS\2. Location-Report Mapping\8365 Young St\8365 Young St.mxd

SITE ALTERATION PLAN
SHOWING LOT 19, CONCESSION GORE A
GEOGRAPHIC TOWNSHIP OF SOUTH GRIMSBY
NOW IN THE TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA

SCALE: 1 : 1500 metres.



METRIC NOTE
DISTANCES SHOWN ON THIS PLAN
ARE IN METRES AND CAN BE CONVERTED
TO FEET BY DIVIDING BY 0.3048

BENCHMARK NOTE
ELEVATIONS ARE GEODETIC, DERIVED FROM
GPS OBSERVATIONS USING THE CAN-NET
NETWORK NAD 83 (CSRS).

- LEGEND**
- 150.0 EXISTING GROUND (COMPILED)
 - 150.0 EXISTING GROUND - DATE LEVELS TAKEN: FEBRUARY 13, 2020
 - 150.0 PROPOSED GROUND
 - (150.0) FINISHED GRADING - DATE LEVELS TAKEN:
 - TFW DENOTES TOP OF FOUNDATION WALL ELEVATION
 - UP DENOTES UTILITY POLE
 - GW DENOTES GUY WIRE
 - DOWNSPOUT & DIRECTION
 - DRAINAGE DIRECTION
 - ← SETBACK MEASUREMENT

OWNER: BRUNO AND LILLY TASSONE
ADDRESS: 8365 YOUNG STREET
LOT: LOT 19, CONCESSION GORE A
TOWNSHIP OF SOUTH GRIMSBY

MARCH 13, 2020
DATE

From: [REDACTED]
To: [Jeni Fisher](#)
Subject: Site Alteration File No. 3000-001-20
Date: June-18-20 12:02:53 PM

Hello, this is in regards to the letter received dated June 1st, from Joanne Scime, Clerk, about alterations to our neighboring property 8365 Young St, Mr and Mrs Tassone.

We are located at 8293 Young St, immediately to the east side of the location described.

#1. We have no major issue with the alterations described.

#2. Our only concern is that water runoff be considered. ie. that the alternations will not cause major new runoff into our forested area.

And more importantly for example, If any alterations were to be done in the low lying areas that are to the FRONT/SOUTH side of their house, we would want the owners (or the town) to ensure that water runoff be considered, as this area would definitely impact our small creek which runs through the middle of our main usable lawn backyard area.

Please feel free to reach out for any questions or concerns. Mr and Mrs Tassone of 8365 Young St may reach out to us as well.

thank you!

Matt and Kristen Salari
8293 Young St
Grassie
[REDACTED]

From: [REDACTED]
To: [Jeni Fisher](#)
Subject: Site Alteration File No. 30000-001-20
Date: June-22-20 1:16:35 PM

Attention: Brian Treble

This email is in response to the application for site alteration for Bruno and Lilly Tassone No. 3000-001-20. We firmly object to this proposal as residents on this street. We object to the quantity of truck loads this would take. It does major damage to our road, noise level and overall increase traffic on residential road ways. We further object to this as we never know what type of contaminates are coming in with the loads and ending up in our streams and land.

Further to this we feel this land owner has already taken unnecessary fill in the past and has destroyed healthy trees in the process. We feel he could use this land fill just left dumped along south east roadside to help level his property as well as use fill from pond dig. This would eliminate the need to bring in additional fill at this time.

[REDACTED]
[REDACTED] This again is ruining our roads and exposing us to increase noise level and air pollution as well as all the environmental concerns. We request your aid in stopping illegal fill and dumping on our roads in Grassie.

Sincerely,

Kim and Doug Hepburn

From: [REDACTED]
To: [Jeni Fisher](#)
Subject: Site Alteration File No. 3000-001-20
Date: June-22-20 3:01:15 PM

Our family is opposed to this application, as it is our belief that there are no plans for agricultural (fruit trees), as this area is not suitable for any orchard, climate or soil conditions. Information has been received that landowners can be paid in the vicinity of \$70.00 per load to dump fill on our property, and 10,000 cu. meters translates into approx. 1,000 truck loads. Back in 2013, another neighbor residing at 8350 Young St. W., Doug SIMS also took advantage of this, resulting in an existing 20 ft. high pile of fill that cannot be farmed. Approx. excess of 1,000 loads trucked in and piled high. I strongly suggest that Council drive south on Road 14 from Young St. and personally view the mountain of fill on east side of R.14 which rendered the land useless. I believe that Tassone has same plan and no orchard will ever materialize, just pocket the cash, and thank you.

With the weight and volume of trucks that would be using this road, we believe it will take a toll on this rural road. In light of how West Lincoln had been used and abused in the past by Greedy land owners, I strongly recommend that this application be refused. It appears from the drawings that the effected area encroaches NPC REGULATED LANDS as well requiring acres of bush to be removed.