

DATE: June 29th, 2020

REPORT NO: PD-079-20

SUBJECT: Recommendation Report
Site Alteration Application – Budd Developments Inc.
(Rankin Construction Inc. – Agent)
2881 South Grimsby Road 5 being Lot 1, Plan M94
File No. 3000-004-20

CONTACT: Brian Treble, Director of Planning and Building

OVERVIEW:

- Budd Development Inc has been in discussions with Township Planning Staff since 2019 and submitted a partially complete planning application in 2020 for the development of Station Meadows West Community.
- In April of 2020, Rankin Construction Inc. approached Township staff about placing up to 100 loads (1000m³) of fill on the Budd Development Inc. lands. Staff approval of the site alteration permit was granted on April 20th, 2020.
- On May 20th 2020, Rankin Construction approached the Township about importing up to another 300 loads (3000m³) of fill on this site.
- The fill is being removed as part of the Regional Road 20 construction project and the fill is ultimately required by Budd Developments Inc. for the development of Station Meadows West.
- The lands are designated urban residential (low and medium density) in the North West Quadrant Secondary Plan and are zoned 'D' (Developmental) in the Township of West Lincoln Zoning By-law.
- Township Planning Staff anticipate that a public meeting will be held in the fall of 2020 to consider a development plan for these lands.
- In the meantime, the importing of fill to the benefit of both parties seemed like a reasonable request. Unfortunately, they have started to construct a berm without permission and may not have been conscientious operators, which has led to complaints. Further, it appears that far in excess of 1000m³ has already been imported to the site, prior to proper Council approval.

RECOMMENDATION

1. That, Report PD-079-20, regarding "Recommendation Report, Site Alteration Application – Budd Developments Inc. (Ranking Construction Inc. – Agent), 2881 South Grimsby Road 5 being Lot 1, Plan M94", dated June 29th, 2020, be RECEIVED; and,
2. That, a site alteration permit in a form similar to that found at attachment 3 to this report be approved by Township Council, subject to conditions as noted in the permit;

including that the construction of a berm along the CPR lands be halted as it is not part of this permit and that the soil be stock piled on site for the time being.; and,

3. That, all efforts be taken to acknowledge and protect neighbouring residents, including, but not limited to: dust control, speed control, noise control, obedience of the highway traffic act, etc. Failure to do so will provide by-law staff with authority to revoke this permit; and,
4. That, the permit be issued with a \$1000.00 penalty for double permit fee to be paid for breach of the permit issued by Township Staff (File No. 3000-002-20).

ALIGNMENT TO STRATEGIC PLAN

Theme

- **Efficient, Fiscally Responsible Operations**

BACKGROUND

The subject property is designated low and medium density residential and is anticipated to be developed in the short to medium term as a residential community with singles, towns and condo town house type developments. In order to develop the land, elevation changes will be necessary so that gravity flow sewers will be able to adequately address sewer needs for the development. Further, some form of berm will be required along the CPR lands. The nature and design of a berm has not been reviewed nor approved by Township staff or Council at this time.

CURRENT SITUATION

The Regional Road 20 upgrading project has been on the Regional books for years and is finally being completed by Rankin Construction Inc. Rankin has excess soil from various parts of their construction project that they need to dispose of. Budd Developments Inc will have a need for soil when his residential development commences construction.

Rather than having soil hauled away and then different soil hauled back to Smithville, this solution accommodates both developers equally, and is a much more environmentally friendly solution.

Initially, Rankin did not expect to be moving more than 1000m³ of soil and therefore applied for a permit that only required staff approval (file no. 3000-002-20). Now, as their project rolls on, up to an additional 3000m³ of soil may need to be disposed of. Therefore a Council approval is now required.

The lands are designated urban residential and are intended to accommodate low and medium density residential development over the short and medium term. As a result, if a subdivision approval had already been granted, then the importation of soil would have been considered part of that approval process and would not have required a site alteration permit. Since planning approvals have not been granted, this approach is

required.

Although the land has been planted with crops for the last several years, Budd Developments Inc., his engineers, and planners have been working with the Township in order to complete the planning application so that the public meeting process can soon commence on this Station Meadows West Community.

FINANCIAL IMPLICATIONS

Not applicable to this report.

INTER-DEPARTMENTAL COMMENTS/AGENCY COMMENTS

Notice of this Site Alteration application was circulated to affected agencies on June 3rd, 2020. Agencies notified included, Township Building, Township Public Works, Township Fire Department, as well as NPCA, Region of Niagara, Town of Grimsby and City of Hamilton.

At the time of writing this report, the NPCA has responded to advise of no objections.

PUBLIC COMMENTS

The public within 120 metres of this property received a Notice of Site Alteration Application that was also mailed on June 3rd, 2020. To date, several residents of Northridge Drive have now expressed concern about the berm, noise, dust, hours of operation, future use, etc.

Staff wish to note that the berm is not approved and was not to be constructed as part of any site alteration permit. The contractor is in breach of this request and has agreed that no further berm construction will occur under the site alteration permit.

On June 22, 2020, written correspondence was received from several neighbours on Northridge Drive who expressed concerns about dust, noise, hours of operation, etc. Therefore, a condition of dust suppression, as required, has been included in the permit as a condition.

A response from Rankin Construction Inc. is found at Attachment 6 to this report.

CONCLUSION

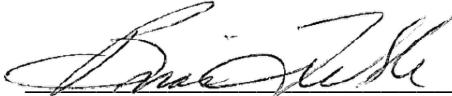
Staff recommend that a permit be issued for a total of no more than 4500m³ (450 truckloads of fill total). This permit is in addition to the 1000m³ (100 truckloads) as previously approved by staff and the 500m³ (50 truckload limit) that does not require approval. The draft permit, as attached to this report, is recommended to be approved, such that Rankin Construction Inc and Budd Developments Inc can benefit from each other's mutual needs and minimize the hauling of fill in and out of the Township.

Respect for the road and the neighbours must be maintained or the permit may be revoked.

ATTACHMENTS

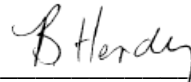
1. Location Map
2. Sketch of Stock Piles (Rankin Construction Inc.)
3. Draft Permit
4. Agency Comments
5. Public Comments
6. Response from Rankin Construction Inc.

Prepared by:



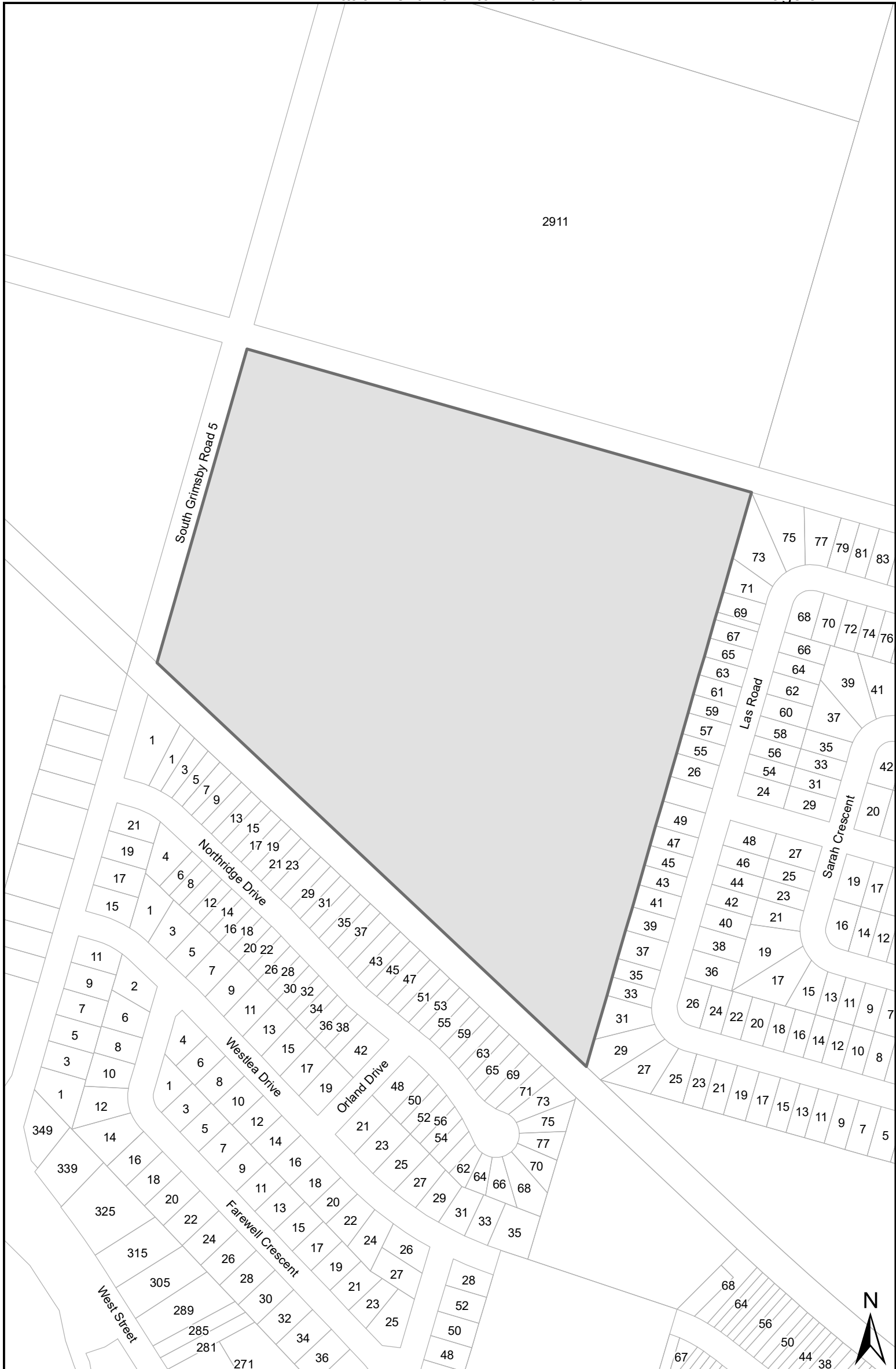
Brian Treble, RPP, MCIP
Director of Planning and Building

Approved By:



Beverly Hendry
CAO

X:\pb-Planning Reports\Working Copy\2020\6. June\PD-079-20 - Site Alteration - Budd Developments - Rankin\PD-079-20 Rec Report - Site Alteration 2881 S grimsby Rd 5 Budd Developments - Rankin.docx



Location Map
Plan M94, Lot 1

June 2020







**TOWNSHIP OF WEST LINCOLN
SITE ALTERATION PERMIT**

Site Alteration Permit No.: 004-2020 Date: 2020/06/30
(YY/MM/DD)

Permit Fee: \$1000.00 + penalty Security: N/A

Address of Site: 2881 South Grimsby Road 5 being Lot 1, Plan M94

Name of Owner: Budd Developments Inc.

Nature of Approval: To relocate fill removed from the Regional Road 20 upgrading project by Rankin Construction Inc. to 2881 South Grimsby Road 5, owned by Budd Developments Inc. This land is in the planning process for the future development of low to medium density residential (Station Meadows West Community) and the fill will be required during the development process.

The undersigned has applied for a Site Alteration Permit pursuant to the provisions of the Township of West Lincoln, By-law 2016-41, as amended.

The permit is valid until June 30, 2021.

Pursuant to the Site Alteration By-law, the undersigned hereby acknowledges that the sole responsibility for the completion of the work undertaken as part of this application including compliance with any conditions rests entirely with the Owner and/or Applicant.

The undersigned certifies to the Township that any and all Fill used in completing the Site Alteration contains no contaminants within the meaning of the Environmental Protection Act, R.S.O. 1990, c.E. 19. The undersigned hereby releases and agrees to indemnify and save harmless the Township, its employees, representatives, agents and contractors, from and against all claims, demands, damages, causes of action, costs, expenses and other liabilities of any nature, which may arise in the event that the Fill is determined to contain contaminants.

The undersigned also agrees that the total costs of all works will be entirely the responsibility of the Owner.

Signature of Owner/Applicant Township of West Lincoln Approval

Date of Approval (YY/MM/DD)

Conditions:

1. Ground to be final grading such that overland flow to all Municipal Drains and natural swales is not impeded. At direction of the Township of West Lincoln and the Niagara Peninsula Conservation Authority, this may be required to involve an expert in drainage to ensure that there is no impact to overland flow.
2. That no more than an additional 3000m³ of fill be imported to this site.
3. That no further berm construction occurs on this site as part of this site alteration permit.
4. That all fill shall be stock piled in accordance with the sketch submitted as part of the site alteration application.
5. All other provisions of By-law 2016-41, (as amended) are applicable.
6. That all works are done in accordance to the Township of West Lincoln Municipal Engineering Standards and NPCA Regulations, if applicable.
7. That dust suppression be applied from time to time as required.
8. That an additional \$1000.00 be paid to the Township of West Lincoln as a non-refundable penalty for breach of the staff approval permit for no more than 1000m³ (100 truckloads) in a stockpile.

The personal information on this form is collected under the authority of Section 11 of the Municipal Act, as amended. The information is used for the purpose of processing this application and administering the By-law. Questions regarding the collection of this information should be directed to the Township Clerk at jslime@westlincoln.ca.

From: [Madison Hill](#)
To: [Jeni Fisher](#)
Subject: RE: Notice - Budd - Rankin - Site Alteration - File No. 3000-004-20
Date: June-22-20 3:34:45 PM
Attachments: [4BE879DFB9994CCBACB2E1924B50C385.png](#)
[C5E6836E07EB489D9BA930C334EED61D.png](#)
[3BA55D53C6474BFE968BA98BBC9F23D2.png](#)

Good afternoon,

This work will not interfere with any NPCA regulated features and therefore, will not require a permit.

Thanks,

Madison Hill
Regulations Officer

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2
Tel: 905-788-3135 | extension 266
mhill@npca.ca
www.npca.ca

Thank you for your email. Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. NPCA enforcement, permitting and planning functions are continuing to operate, however there may be delays in receiving responses to inquiries or complaints due to staff restrictions and remote work locations. Updates with regards to NPCA operations and activities can be found on our website at www.npca.ca/our-voice, the NPCA Facebook page at <https://www.facebook.com/NPCAOntario> and on Twitter at https://twitter.com/NPCA_Ontario.

For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>

Date: 2020-06-18 6:47 p.m. (GMT-05:00)

To: [REDACTED]

Subject: Budd Development Inc.- South Grimsby Road 5

Hi!

Have some concerns about the granular material being brought in and stored at this location. Everything in the backyard, and even the vehicles in our driveway are covered with thick dust and dirt. Too many dump trucks coming up and down the road, last time with the construction by St. Martin,s the Road 5 was torn up and I was driving behind a dump truck that popped up a big piece of asphalt and damaged the front of my car. Maybe a suggestion that maybe there should be water trucks watering things down so it does not get as dusty. Thank-you very much!

To Township of West Lincoln Council

Re: Site Alteration File No: 3000-004-20

Regarding the site alteration application and plan that is under consideration by Council members for the Township of West Lincoln. As residents close to this site please take the following into consideration when discussing this application.

As neighbours of 2881 South Grimsby Road 5, We have been dealing with the alterations to this Lot for the past month. This application has not been approved by council, however the property is currently being altered as if the approval has already been awarded, and we have concerns. The companies Budd Development and Rankin Construction have been operating on this property for the past month. We feel they have demonstrated a complete lack of consideration for our Townships Council members in regards to the approval of their application and in regards to the noise by-laws for the operation of construction equipment. We understand that the berm is not part of the application for site alteration and has already been approved by council.

1. Excessive dust/dirt: We are southern neighbours to this lot, since the beginning of the site alterations, we have had to deal with an excessive amount of dirt and dust on our properties. We have been unable to enjoy our own properties as everything is coated in a fine layer of dirt being stirred up from the moving equipment and lack of control measures to counter this. Some of us suffer from health conditions such as asthma and allergies which are being aggravated even more due to the changes happening. We cannot open the windows of our houses, keep vehicles and patio furniture clean, must wipe down all surfaces prior to use and now must wash all plants everyday to keep them healthy and alive.
2. Disregard for construction noise by-laws: We have been woken up several times in this past month from the machinery running prior to 7am. We understand the draw to start early to beat the heat. However these by-laws are in place for a reason. Some of us have children with sensory issues, the constant noise is detrimental to the well being of our children. Some of us are required to work shift work, the frustration of trying to sleep while this commotion is taking place is detrimental to the health of these individuals.
3. During this time of Covid-19, some residents are working from home. We have had to resort to wearing headphones and ear plugs during the day to be able to concentrate on work.

We have had to endure the tamper running all day long to pack down the dirt on the berm, but the noise and vibrations inside our own homes is so bad that we must wear ear protection the pressure and pain that this causes.

4. As this site is being altered, the increase in truck traffic has been ridiculous. We now have speeding dump trucks constantly running up and down a residential road with small children. These trucks are being overloaded and are not being tarped. We are now dealing with spillage on South Grimsby Road 5 due to the disregard of MTO regulations. We are curious as to the weight restrictions of South Grimsby Road 5. This road presently requires work to be done and this will only amplify this need.
5. On more than one occasion, trucks have pulled onto south grimsby road 5 into oncoming traffic without yielding properly to vehicles with the right of way. This will cause harm to the tax paying residents or West Lincoln, this is a complete disregard to the basic regulations of the Ontario Highway Traffic Act.
6. As the truck traffic has been increased so have the casualties on the road ways. We have noticed a great deal of animal casualties on the road ways. This we understand is a common thing to happen, however there is more then there has ever been in this past month. This will in turn attract more predation and other scavengers to the area. We already have to combat coyotes, with the surplus of fresh meat will only draw more to the area causing even more issues.
7. This is a residential area and this property has been zoned for development only. This is not a place for commercial activities. We have not been informed of a re-zoning application for this lot nor the expiration of this current application being considered. Will this lot only be used for 6 months to store excess materials? Will they start to store hazardous materials on this lot? Is the fill that is being stored on this lot contaminated? Where will this end?
8. The site alteration application enclosed with our notices indicate the materials are to be stored for future development and reuse on site. If this is the case why are there constant deliveries and refills.

We do not want our families exposed to something caused by these site alterations and furthermore who would be liable if there are health risks and property damage due to the use of this land in such a way. Please take our concerns seriously when considering the approval of this application. As we are concerned, tax paying residents of this town.

Regards,

Residents of Northridge Drive and surrounding areas
See Attached

Residents in agreement with the above letter regarding the site alteration file No: 3000-004-20

Name	Address	Phone Number
Jay Simett	3 Northridge	
Levi Smith	1 Northridge	
John Othman	1 Northridge	
Angela Simett	3 Northridge	
Mike Smith	7 Northridge	
Ashley Chapman	9 Northridge	
Kate Travis	7 Northridge	
Devon Travis	7 Northridge	
Paul Wiebe	6 Northridge	
Roger Gaddal	17 Northridge DR	
Dave Papier	11 Northridge DR	
Scott Williams	14 Northridge Dr	
Tamara Young	-	
Dave Bantelie	13 Northridge	
D. Bantelie	13 Northridge dr	
Shelly	15 Northridge Dr	
	15 Northridge	
Katie Heid-Thompson	1 Northridge Pr	
Alana Harkness	1A Northridge Dr.	
Bob Drenlop	1A Northridge Dr.	
Ashley Othmer	1 Northridge Dr.	

From: Sto Tritchew <tritchew@rankinconstruction.ca>
Date: June 24, 2020 at 8:42:41 AM EDT
To: Brian Treble <btreble@westlincoln.ca>

Subject: FW: Site Alteration File: 3000-004-20

Brian,

Firstly, I would like to state that Rankin Construction and Budd developments did not act with lack of consideration to Town staff, and council regarding of approvals. We were in contact with the town staff right from the start and submitted the applications and required fees throughout the process and stayed in contact as work progressed. Unfortunately COVID may have thrown a few curve balls at us, but I think with the cooperation between the Town, Rankin and Budd we were able to work through it as well as could be expected. Also I do not believe we have been in contravention of the noise by-laws as the workers know that they cannot start before 7:00 am. If that did happen I do apologize and have stressed again to everyone that 7:00 am is the absolute earliest work can proceed.

Please see below comments to the various points, I used the same numbering to make it easier to follow:

1. **Excessive dust/dirt:** Please be assured that we are mindful of the dust issues that are present on construction projects and are trying to stay on top of it with water on the roads and dirt areas and calcium on the gravel areas and these are applied on a daily basis. It can be a fine line between dust and mud tracking if

too much water is applied and we are trying to find that line and will continue to do so. To try and help with the situation we will keep the activity limited to the west end of the site near SG RD 5 and place more water as required and scrape and sweep the roads as needed if mud is tracked.

2. **Disregard for noise bylaws:** As mentioned earlier if this has happened we do apologize and have already addressed it with all the crews that work cannot commence prior to 7:00 am with prior approvals or for emergencies only.
3. As mentioned in item No. 1 we will limit work to the west limit of the site near SG RD 5 only and we will discontinue use of the compaction equipment. Looking at Niagara Navigator we are between 40 and 60 meters away from the closes homes in this area and therefore surprised that the noise and vibration is so apparent when we are with 10 meters of many homes on Station St and West street and have had very few complaints.
4. The distance from RR 20 to the train tracks where they slow down to cross is such a short distance it would be difficult for a loaded truck to gain much speed in such a short distance, we have however spoken to the trucking firms and warned them against speeding. As far as trucks being overloaded and with spillage on SG RD 5 I personally drive down this road every day or two when on site and have never seen any sign of spillage on the roads, I have asked our site foreman to also monitor and if they notice anything to make certain it is cleaned up right away. The spillage being referred to may be mud tracking after watering the site to prevent dust issues but as mention in item one above we will monitor and react as required.
5. We hire trucking firms who have licensed professional drivers and can only assume they are following the Ontario Traffic Act. We will however bring up this concern.
6. We have no comment on this issue
7. The material being delivered to the site is for the future development and no commercial activity is taking place. We can assure you that no hazardous or contaminated fill is being delivered to this site.
8. The materials are being stored for future development and reuse on our site as per the permits.

I did notice a section of asphalt breaking up on SG Rd 5 at the driveway entrance to the Budd property as we turn in and out of the site and please be assured we will repair this area when we have finished with this site in the next several weeks.

I hope this addresses the concerns expressed in the letter to council from the residence of Northridge drive, it is unfortunate that they did not contact me with their concerns earlier so we could address them as they occur before it got to this stage. My contact information is below and I would be happy to meet and discuss any concerns in future before they get to this stage.

Should you have any questions please do not hesitate to contact me.

Regards,

Sto Tritchew, C.E.T.
Senior Vice President



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