

**TOWNSHIP OF WEST LINCOLN  
PLANNING/BUILDING/ENVIRONMENTAL  
COMMITTEE MINUTES**

**MEETING NO. THREE**

**March 8, 2021, 5:30 p.m.**

**Township Administration Building**

**318 Canborough Street, Smithville, Ontario**

Council: Councillor William Reilly, Chair  
Councillor Shelley Bradaric  
Mayor Dave Bylsma  
Councillor Cheryl Ganann  
Councillor Harold Jonker  
Councillor Jason Trombetta  
Councillor Mike Rehner

Staff: Bev Hendry, CAO  
Brian Treble, Director of Planning and Building  
Jessica Dyson, Deputy Clerk  
Madyson Etzl, Planner II\*  
Gerrit Boerema, Planner II\*  
Meghan Birbeck, Planner I\*  
Roberta Keith, IT Manager

Other Members: Albert Witteveen, Regional Councillor  
Jared Marcus\*  
Anthony Chiarella\*  
Jowett Lau\*  
Phillip Owens\*  
Maria Apostolakos\*  
Lisa Kouwenberg\*  
Brian Gatcke\*

**\* IN ATTENDANCE PART TIME**

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**1. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST (CONFIDENTIAL MATTERS)**

There were no disclosures of pecuniary interest and/or conflict of interest for confidential matters.

**2. CONFIDENTIAL MATTERS**

All Members of Committee noted as present as well as the CAO, Deputy Clerk and the Director of Planning & Building were in attendance for discussion of all confidential matters.

Township Solicitor, Andrea Mannell was in attendance during discussion of Confidential Item P21-21 only and left the closed session meeting at approximately 6:12 pm.

Prior to the closed session, all Members of Committee were reminded that any discussions in closed are to remain confidential as per the Township's Code of Conduct and the Procedural By-law.

All those in attendance electronically for closed session deliberations confirmed and acknowledged that they understood and confirmed to all of the following statements:

- That all confidential matters and discussions are to remain confidential;
- No one else was present with them during the electronic confidential discussions;
- No one else could hear the electronic closed session deliberations;
- No one was using any electronic devices other than their tablet or computer; for the purpose of the video conferencing; and,
- No one was recording any portion of the confidential portion of the meeting.

**Moved By** Councillor Cheryl Ganann

**Seconded By** Councillor Shelley Bradaric

That, the next portion of this meeting be closed to the public to consider the following pursuant to Section 239(2) of the Municipal Act 2001:

2.1. Township Solicitor (Tom Richardson) & Director of Planning & Building (Brian Treble)

Re: Legal/Enforcement Matter - Natural Severance - Caistor Centre

**Applicable closed session exemption(s):**

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- advice that is subject to Solicitor-client privilege, including communications necessary for that purpose

## PLANNING/BUILDING/ENVIRONMENTAL COMM. MINUTES – March 8, 2021

2.2. By-law Enforcement Officer (Tiana Dominick) and Director of Planning & Building (Brian Treble)

Re: Legal/Enforcement Matter – Quarterly By-law Update

**Applicable closed session exemption(s):**

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- the security of the property of the municipality or local board;
- advice that is subject to Solicitor-client privilege, including communications necessary for that purpose

2.3. Planner II (Gerrit Boerema) and Director of Planning & Building (Brian Treble)

Re: Legal/Enforcement Matter - Confidential Information Report No. PD-29-2021 - South Grimsby Road 21 – Site Plan Update

**Applicable closed session exemption(s):**

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- the security of the property of the municipality or local board;
- advice that is subject to Solicitor-client privilege, including communications necessary for that purpose

2.4. Director of Planning & Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege – Confidential Recommendation Report No. PD-028-21 – Waive Change of Conditions Fee (File No. B03/2020WL)

**Applicable closed session exemption(s):**

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- advice that is subject to Solicitor-client privilege, including communications necessary for that purpose

2.5. By-law Enforcement Officer (Tiana Dominick) & Director of Planning & Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Confidential Information Report No. PD-034-21 – Summary of Clean Up Costs - John Street, Caistorville

**Applicable closed session exemption(s):**

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- advice that is subject to Solicitor-client privilege, including communications necessary for that purpose

**Carried**

**Moved By** Councillor Cheryl Ganann

**Seconded By** Councillor Jason Trombetta

## **PLANNING/BUILDING/ENVIRONMENTAL COMM. MINUTES – March 8, 2021**

That, this Committee meeting does now resume in open session at the hour of 6:32 p.m.

**Carried**

### **2.1 ITEM P21-21**

Township Solicitors (Tom Richardson & Andrea Mannell) & Director of Planning & Building (Brian Treble)

Re: Legal/Enforcement Matter - Natural Severance - Caistor Centre

**Moved By** Councillor Cheryl Ganann

**Seconded By** Councillor Jason Trombetta

That, Township staff and legal counsel be and are hereby authorized to proceed as directed in closed session regarding Legal/Enforcement Matter - Natural Severance - Caistor Centre, prior to ratification of Council due to the required timeline of the Township's Legal Counsel response.

**Carried**

### **2.2 ITEM P22-21**

By-law Enforcement Officer (Tiana Dominick) and Director of Planning & Building (Brian Treble)

Re: Legal/Enforcement Matter – Quarterly By-law Update

Members of Committee rose without reporting.

### **2.3 ITEM P23-21**

Planner II (Gerrit Boerema) and Director of Planning & Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Confidential Information Report PD-29-2021 - 9629 Regional Road 20 – Site Plan Update #2 (File No. 2100-012-19)

**Moved By** Mayor Dave Bylsma

**Seconded By** Councillor Cheryl Ganann

1. That, Report No. PD-29-2021, dated March 8, 2021, relating to Confidential Information Report - Site Plan Update #2 File No. 2100-012-19, BE RECEIVED; and,
2. That, a new site plan authorizing bylaw be passed to authorize the Mayor and Clerk to sign a site plan agreement with just the property owners only and have the agreement registered on title.

**Carried**

## **PLANNING/BUILDING/ENVIRONMENTAL COMM. MINUTES – March 8, 2021**

### **2.4 ITEM P24-21**

Director of Planning & Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Confidential Recommendation Report  
PD-028-21 – Waive Change of Conditions Fee - File No.: B03/2020WL  
(Caistorville United Church)

**Moved By** Mayor Dave Bylsma

**Seconded By** Councillor Harold Jonker

1. That, Report PD-28-2021 regarding “CONFIDENTIAL, Recommendation Report Waive Change of Conditions Fee, File No. B03/2020WL (Caistorville United Church), dated March 8<sup>th</sup>, 2021, be RECEIVED, and;
2. That, staff be and are hereby authorized to proceed as directed in closed session.

**Carried**

### **2.5 ITEM P25-21**

Director of Planning & Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Information Report No. PD-034-21 –  
Summary of Clean Up Costs - John Street, Caistorville

**Moved By** Councillor Cheryl Ganann

**Seconded By** Councillor Mike Rehner

1. That, Report PD-34-2021 regarding “CONFIDENTIAL, Information Report, John Street – Summary of Clean Up Costs” dated March 8<sup>th</sup>, 2021, be RECEIVED for information purposes.

**Carried**

### **3. CHAIR - Councillor William Reilly**

### **4. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST**

There were no disclosures of pecuniary interest and/or conflict of interest.

### **5. PUBLIC MEETING(S)**

Public Meeting(s) under the Planning Act will commence at 6:30 p.m.

#### **5.1 Zoning By-law Amendment – Foliera Holdings Inc. (File No. 1601-003-21)**

Re: Foliera Holdings Inc.(Owner) for property legally described as  
Concession 8, Part Lot 12, Part 3 and Part 1 of 30R5659 formerly in the

Township of South Grimsby, now in the Township of West Lincoln,  
Regional Municipality of Niagara, municipally known as 6850 Young Street  
(File No. 1601-003-21).

**5.2 Official Plan & Zoning By-law Amendment - Greek Association & Marz Homes (Smithville West) Inc. (File No. 1701-001-21) (File No. 1601-004-21)**

Re: Greek Association & Marz Homes (Smithville West) Inc. (Owners) for property located at 6659 RR 20 (Lot 8, Plan M98). (File No. 1701-001-21 - OPA) & (File No. 1601-003-21 - ZBA)

**6. CHANGE IN ORDER OF ITEMS ON AGENDA**

There was no change in order of items on the agenda.

**7. APPOINTMENTS**

There were no appointments.

**8. REQUEST TO ADDRESS ITEMS ON THE AGENDA**

There were no requests to address items on the agenda.

**9. CONSENT AGENDA ITEMS**

**9.1 ITEM P26-21**

CONSENT AGENDA ITEMS:

**Moved By** Mayor Dave Bylsma

**Seconded By** Councillor Harold Jonker

That the Planning/Building/Environmental Committee hereby approves the following Consent Agenda items:

1. Items 1 and 2 be and are hereby received for information.  
with the exception of Item # 1

**Carried**

**SUMMARY OF APPROVED CONSENT AGENDA ITEMS:**

2. Technical Report No. PD-20-2021 – Greek Association & Marz Homes (Smithville West) Inc. – Official Plan and Zoning Bylaw Amendment – 6659 Regional Road 20 – File NO. 1701-001-21 (OPA) 1601-004-21 (ZBA)

**ITEM P26-21 (1) - Technical Report No. PD-24-2021 - Foliera Holdings Inc. – Zoning By-Law Amendment 1601-003-21**

## **PLANNING/BUILDING/ENVIRONMENTAL COMM. MINUTES – March 8, 2021**

In response to Councillor Trombetta's question regarding what would be grown in the proposed greenhouse, the Director of Planning & Building stated that it would be flower and plants and that this operation is an expansion of their existing Beamsville site. Councillor Trombetta raised concerns about the possibility of future use of this property if the property would ever be sold and questioned if cannabis operations would be able to operate within the greenhouse. The Director of Planning & Building stated that the Township has special provisions with respect to cannabis operations, and therefore, if this property were to be converted into a cannabis operation a re-zoning application would be required. The Director of Planning & Building also stated that the Foliera property does not require re-zoning for the greenhouse expansion and that the reason for this public meeting is due to the amount of employees Foliera will have on residing site as it exceeds the Townships current by-law.

**Moved By** Councillor Jason Trombetta

**Seconded By** Councillor Cheryl Ganann

1. That, Report PD-24-2021, regarding "Foliera Holdings Inc. Zoning By-law Amendment File No. 1601-003-21", dated March 8th 2021, be RECEIVED; and,
2. That, a Recommendation Report be presented at a future Planning/Building/ Environmental Committee meeting.

**Carried**

### **10. COMMUNICATIONS**

There are no communications.

### **11. STAFF REPORTS**

#### **11.1 ITEM P27-21**

Planner I (Meghan Birbeck) and Director of Planning & Building (Brian Treble)

Re: Recommendation Report PD-25-2021 - Melissa Hill Inc. (STANPAC)  
Amending Site Plan Agreement Authorizing By-law – Thompson Road  
(File No. 2100-0)

**Moved By** Mayor Dave Bylsma

**Seconded By** Councillor Harold Jonker

1. That, report PD-25-2021, regarding "Melissa Hill Inc. (STANPAC) Amending Site Plan Agreement", dated March 8<sup>th</sup>, 2021 BE RECEIVED; and,

## PLANNING/BUILDING/ENVIRONMENTAL COMM. MINUTES – March 8, 2021

2. That, a By-law be passed to authorize the Mayor and Clerk to sign an amending Site Plan Agreement with Melissa Hill Inc. (STANPAC) once all site plan details are substantially completed.

**Carried**

### 11.2 ITEM P28-21

Planner I (Meghan Birbeck) and Director of Planning & Building (Brian Treble)

Re: Recommendation Report PD-26-2021 - Kenneth Jack Martin Zoning By-law Amendment

**Moved By** Councillor Shelley Bradaric

**Seconded By** Mayor Dave Bylsma

1. That, report PD-26-2021, regarding “Kenneth Martin Zoning By-law Amendment File No. 1601-001-21”, dated March 8<sup>th</sup> 2021, be RECEIVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, an application for Zoning By-law Amendment 1601-001-21 submitted by Kenneth Martin and a corresponding Zoning By-law be APPROVED and passed; and,
4. That, Staff be authorized to circulate the Notice of Decision for the Zoning By-law Amendment with the corresponding 20-day appeal period.

**Carried**

### 11.3 ITEM P29-21

Planner II (Madyson Etzl) and Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-23-2021 - William and Cathleen Vitucci Zoning By-law Amendment (File No. 1601-002-21)

**Moved By** Councillor Shelley Bradaric

**Seconded By** Councillor Jason Trombetta

1. That, report PD-23-2021, regarding “William and Cathleen Vitucci Zoning By-law Amendment File No. 1601-002-21”, dated March 8<sup>th</sup> 2021, be RECEIVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,



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3. That, an application for Zoning By-law Amendment 1601-002-21 submitted by William and Cathleen Vitucci and a corresponding Zoning By-law be APPROVED and passed; and,
4. That, Staff be authorized to circulate the Notice of Decision for the Zoning By-law Amendment with the corresponding 20-day appeal period

**Carried**

### 11.4 ITEM P30-21

By-law Enforcement Officer (Tiana Dominick) and Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-31-2021 - Approval of new prohibited parking signage to control and regulate parking and vehicular traffic at Colver Street/Wade Road, Colver Street/Barbara Street, and Smithville Public School.

**Moved By** Councillor Jason Trombetta

**Seconded By** Mayor Dave Bylsma

1. That, Report PD-31-2021-, regarding “Recommendation Report - Approval of new prohibited parking signage to control and regulate parking and vehicular traffic at Colver Street/Wade Road, Colver Street/Barbara Street, and Smithville Public School”, dated March, 8, 2021, be RECEIVED; and,
2. That, the proposed signage found in attachment 1 of this report be approved and installed; and,
3. That, By-law 89-2000 be amended by adding to Schedule ‘C’ a new restriction as identified on the attached Schedule “C”. And that the second attachment to this by-law represents the newly consolidated Schedule ‘C’ to insert into 89-2000.

**Carried**

### 11.5 ITEM P31-21

Chief Building Official (John Schonewille) and Director of Planning & Building (Brian Treble)

Re: Recommendation Report PD-33-2021 - Building Fees By-law Review

**Moved By** Councillor Cheryl Ganann

**Seconded By** Councillor Harold Jonker

1. That, Report PD-33-2021 regarding “Recommendation Report, Building Fees By-law Review” dated March 8<sup>th</sup>, 2021, be RECEIVED, and;

2. That, a public meeting be held for the purposes of presenting up to an fifteen percent (15%) increase in Building fees, prior to the passage of a new by-law.

**Carried**

**11.6 ITEM P32-21**

Director of Planning & Building (Brian Treble)

Re: Recommendation Report PD-22-2021 – Naming of Regional Road 14 from Canborough Street to the Twenty Road Intersection, as Townline Road

**Moved By** Mayor Dave Bylsma

**Seconded By** Councillor Shelley Bradaric

1. That, Report PD-22- 2021, regarding “Recommendation Report, Naming of Regional Road 14 from Canborough Street to the Twenty Road Intersection, as Townline Road”, dated March 8th, 2021, be RECEIVED; and,
2. That, Committee and Council commit to the name “Townline Road” such that staff may order sign blades and notify property owners; and,
3. That, a By-law be passed to name the street identified in Schedule A “Towline Road”, but that such By-law not take effect until sign blades have been installed; and,
4. That, staff notify all residents and agencies affected by this by-law, of Councils decision and the timeline of implementation. Further, that should costs be incurred by the public as a result of this change, that such costs (with receipts to a maximum of \$100.00) may be submitted to the Township and will be charged to the 911 PERS capital account.

**Carried**

**11.7 ITEM P33-21**

Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-30-2021 – Proposal to Commence Street Naming Consultation Process for Griffin Street North and Griffin Street South, Regional Road 14.

**Moved By** Councillor Shelley Bradaric

**Seconded By** Councillor Jason Trombetta

1. That, Report PD-30- 2021, regarding “Recommendation Report, Proposal to Commence Street Naming Consultation Process for Griffin Street North and Griffin Street South, Regional Road 14”, dated March 8<sup>th</sup>, 2021, be RECEIVED; and,

2. That, staff be authorized to commence the street naming notification and consultation process.

**Carried**

**11.8 ITEM P34-21**

Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-27-2021 – Requirement of Encroachment Agreement needed for Existing Building Encroachment at 104 McMurchie Lane

The Chair asked for the Director of Planning & Building to provide an overview of the report. The Director of Planning & Building stated that the property in question was severed from the old Hodgkins Hardware Store on the corner of McMurchie Lane and Griffin Street back 10 years ago with a minor variance being completed to recognize the building has having a zero (0) setback to the front lot line. The Director of Planning & Building stated that a survey has recently been completed that confirms that the building encroaches 3.5 inches (9 centimetres) onto McMurchie Lane, which has raised concerns during the property sale and therefore staff are trying to get the encroachment rectified. The Director of Planning & Building also stated that there were no new additions to structures built on this property and therefore staff are just acknowledging a historical situation.

**Moved By** Councillor Cheryl Ganann

**Seconded By** Councillor Harold Jonker

1. That, Report PD-27-2021, regarding “Recommendation Report, Requirement of Encroachment Agreement needed for Existing Building Encroachment at 104 McMurchie Lane” dated March 8<sup>th</sup>, 2021, be RECEIVED; and,
2. That, a by-law be passed to authorize the Mayor and Clerk to sign an encroachment agreement to recognize the existing encroachment on Part 2, 30R13451 being Part of Lot 23, Plan M-92.

**Carried**

**12. OTHER BUSINESS**

**12.1 ITEM P35-21**

Director of Planning & Building (Brian Treble)

Re: Gypsy Moth Update

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In response to Councillor Rehner's question regarding correspondence from Mr. Robertson with respect to joining the spray program this year, the Director of Planning & Building stated that correspondence will be shared shortly and stated that once staff receive this correspondence it will be posted to the Township's website for the public to access. The Director of Planning & Building also noted that the deadline for members of the public to sign up for the program is April 2<sup>nd</sup>. In response to Councillor Bradaric's question regarding the main contact for information, the Director of Planning & Building stated that the Planning & Building department will be responsible for communications as well as information shared on the Township's website.

Councillor Trombetta questioned the timing of the Gypsy Moth spray being completed and whether the spray can be scheduled for a later time due to the issues the Township experienced in 2020. The Director of Planning & Building shared that there is a certain stage in which the spray has to be applied in order for it to be effective and that the Gypsy Moth issue that the Township experienced last year was due to the Gypsy Moth migrating to Caistor Centre and the severity of the defoliation that had happened and by the time residents starting noticing, it was too late. The Director of Planning & Building added spraying later in the season will likely be too late.

### **12.2 ITEM P36-21**

Director of Planning & Building (Brian Treble)  
Re: Development Charge By-law LPAT Update

The Director of Planning & Building provided an update with respect to the Development Charge By-law LPAT appeal advising the Committee that the settlement that was reached with the appellant was originally scheduled to be heard on April 19<sup>th</sup>, 2021, however, staff have received notice that the settlement hearing has moved forward to March 15<sup>th</sup>, 2021 at 10 am via Teleconference.

### **12.3 ITEM P37-21**

Director of Planning & Building (Brian Treble)  
Re: Sandra Gibson LPAT Update

#### **VERBAL UPDATE**

The Director of Planning & Building provided an update with respect to the Sandra Gibson LPAT appeal, advising the Committee that on February 18<sup>th</sup>, 2021, the LPAT issued a decision for the re-zoning application to approve a cannabis operation on 9003 Concession 5 Rd, Caistor Centre,

and has ordered that the Clerk issue a by-law number for the By-law that was attached to the decision. The Director of Planning & Building stated that the file is now closed as a result of an order of the Board.

**12.4 ITEM P38-21**

Councillor Jonker

Re: Regional Municipality of Niagara - Police Service Board - Medical Cannabis Grow Operations - Public Safety Concerns

There was much discussion from Members of the Committee with respect to the correspondence from the Police Service Board regarding Medical Cannabis Grow Operations - Public Safety Concerns, as many members were pleased to see this correspondence supported by other agencies as this is a major problem that many municipalities are facing. Councillor Jonker also noted that the Township should show support to the Police Service Board in this initiative and bring the resolution back to the Ministry of Federal Health as well as the Police Service Board to show the Township's support and appreciation.

**Moved By** Councillor Cheryl Ganann

**Seconded By** Councillor Harold Jonker

1. That the correspondence received from the Regional Municipality of Niagara Police Services Board regarding Medical Cannabis Grow Operations - Public Safety Concerns attached as Appendix A; be received and supported, and;
2. That, copy of this resolution be forwarded to Niagara's MPs, MPPs, Niagara's 12 local municipalities, Ministries as outlined in Appendix A as well as the Niagara Police Service Board.

**Carried**

**12.5 ITEM P39-21**

Members of Committee

Re: Other Business Matters of an Informative Nature

1. Mayor Bylsma  
Re: International Woman's Day

Mayor Bylsma made recognition on behalf of Council of International Woman's Day and thanked all for the great work that has been done by the Township's female complements.

2. Councillor Reilly  
Re: Various Items

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Councillor Reilly echoed the Mayor's sentiments and comments with respect to International Woman's Day.

Councillor Reilly also made note that the FORT had a reveal video from Homes Family Effect with respect to the facility renovation. Councillor Reilly shared that this video is a very powerful piece and incredible to see FORT's commitment and dedication to the youth of West Lincoln and added the importance of the support from the corporate sponsors who contributed to help make this an incredible facility.

Councillor Ganann added to Councillor Reilly's comments by sharing that prior to the FORT's currently location, they were formally set up in a trailer on the Townships old arena grounds, and acknowledged that the first generous donation was from Smithville United Church who gave the building over to the FORT for use.

### **13. NEW BUSINESS**

There were no new items of business.

### **14. ADJOURNMENT**

The Chair declared the meeting adjourned at the hour of 8:13 p.m.



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**JESSICA DYSON, DEPUTY CLERK**

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**COUNCILLOR WILLIAM REILLY, CHAIR**