

DATE: June 14, 2021

REPORT NO: PD-70-2021

SUBJECT: Recommendation Report -Site Alteration Application – Marz Homes Inc. (Agent- Joe Chiarelli - Rosemont Homes and Cardi Construction) West of South Grimsby Road 5 and North of Regional Road 20, being Lot 9, Plan M98 File No. 3000-003-21

CONTACT: Brian Treble, Director of Planning & Building

OVERVIEW:

- Rosemont Homes is in the finishing stages of their development at the back of the existing Marz Development Olde Town/Smithville Station known as New Era.
- Marz Homes Inc has also had a plan of subdivision application on the subject receiving lands with the Township since 2020. Draft approval of the “Thrive” site has not been granted, but preliminary grading and engineering design confirms the need for a significant amount of fill.
- Rosemont Homes Inc now proposed to transport their excess soil to the new Marz Homes site as illustrated in attachment 1 to this report.
- Previous site alteration approval was granted in 2020 for Marz Homes Inc to transport soil from Olde Town/Smithville Station. Now Rosemont Homes Inc wishes to transport up to an additional 2000m³, approximately 200 truckloads.
- The lands are mainly 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 draft approval of the Marz Development should happen within the next couple of months. Public consultation occurred in late 2020.
- In the meantime, the importing of fill from one site to the other is to the benefit of both sites, seems like a reasonable request, and will reduce the need for soil to be imported from outside of West Lincoln.

RECOMMENDATION:

1. That, Report PD-70-2021, regarding “Recommendation Report, Site Alteration Application –Marz Homes Inc (Agent - Joe Chiarelli - Rosemont Homes and Cardi Construction), West of South Grimsby Road 5 and North of Regional Road 20, being Lot 9, M98, File No. 3000-003-21”, dated June 14th, 2021, 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; and,
3. That, the permit be authorized to be issued prior to ratification of Township Council given the timing of the Rosemont Homes development; and,
4. 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 at any time.

ALIGNMENT TO STRATEGIC PLAN:

Theme #6

- **Efficient, Fiscally Responsible Operations**

BACKGROUND:

The subject receiving property is designated low and medium density residential and commercial in the Northwest Quadrant Secondary Plan 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 the future berm (may be only required for spillage purposes) is currently subject to preliminary design only and has not been formally reviewed or approved by Township staff or Council, at this time.

CURRENT SITUATION:

Marz Homes Inc and Rosemont Homes are busy building on the former Dunnville Spurline lands known as Smithville Station/Olde Town and New Era. Now that Smithville Station is nearing build out, all of the stockpiled soil must be removed so that the final building sites can be constructed. In 2020, a significant volume of soil was removed by Marz Homes (Smithville Station) Inc. The soil to be removed now, is considered surplus to the Rosemont Homes New Era construction site and is also essential for the future development of the “Thrive” site. The soil is considered to be engineered fill.

Rather than having soil hauled away and then different soil hauled back to Smithville, this proposed solution to stockpile on the site of the proposed “Thrive” development

accommodates both development communities equally, and is a much more environmentally friendly solution.

In 2020, Marz Homes Inc was granted permission to move up to 2500m³ of soil and therefore applied for two different permits over the course of 2020.

Rosemont Homes Inc has already hauled 100 loads (1000m³) and has determined that up to another 2000m³ (200 truckloads) still needs to be moved. The first 1000m³ only required staff approval. The additional soil to be stock piled now requires Council approval.

The lands are designated urban residential and commercial and are intended to accommodate low and medium density residential development over the short and medium term. The future commercial development is situated in the corner of South Grimsby Road 5 and West Street/Regional Road 20. 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, site alteration approval is required.

Although the land has been planted with crops for the last several years, Marz Homes Inc., their engineers, and planners have been working with the Township in order to obtain approval of their planning applications. It is anticipated that a staff report on draft plan of subdivision approval will be prepared soon for the consideration of Township Planning Committee and Council.

FINANCIAL IMPLICATIONS:

Not applicable to this report.

INTER-DEPARTMENTAL COMMENTS:

Notice of this Site Alteration application was circulated to affected agencies on May 25th, 2021. 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, no agency has responded to advise of any objections.

PUBLIC COMMENTS:

The public within 120 metres of the receiving property received a Notice of Site Alteration Application that was mailed on May 25th, 2021. To date, one phone call has been received from a neighbour seeking clarity on whether new fill was coming to the site, or if existing imported fill was being recognized.

CONCLUSION:

Staff recommend that a permit be issued for no more than an additional 2000m³ of fill for a total of 3000m³ (300 truckloads of fill total) from the Rosemont Homes Inc. New

Era site. This permit is in addition to the 2500m³ (250 truckloads) as previously approved in 2020 for Marz Homes Inc. from Smithville Station/Olde Town. The draft permit, as attached to this report, is recommended to be approved, such that Cardi Construction Inc and Rosemont Homes Inc (and Marz Homes Inc.) can benefit from an approval to keep the engineered fill in Smithville for future use and to minimize the hauling of fill in and out of the Township.

Respect for the roads and the neighbours must be maintained or the permit may be revoked by by-law staff at any point. Given the timelines, it is recommended that authority to haul fill be granted prior to the approval and ratification of Township Council.

ATTACHMENTS:

1. Aerial Photography of Property (Lot 9, Plan M98)
2. Sketch of Proposed Stock Pile location
3. Draft Site Alteration Permit

Prepared & Submitted by:



Brian Treble
Director of Planning & Building

Approved by:



Bev Hendry
CAO