

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

**MEETING NO. FIVE**

**October 13, 2020, 6:30 p.m.**

**Township Administration Building**

**318 Canborough Street, Smithville, Ontario**

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

Absent: Councillor Christopher Coady

Staff: Bev Hendry, CAO  
Brian Treble, Director of Planning and Building  
Gerrit Boerema, Planner II  
Jessica Dyson, Deputy Clerk

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- 1. CHAIR - Councillor Cheryl Ganann**
  - 2. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST**

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

- 3. PUBLIC MEETING(S) UNDER THE PLANNING ACT**

Public meeting under the Planning Act to commence at 6:30 p.m.

**3.1 Zoning By-law Amendment & Draft Plan of Subdivision**

Re: P Budd Developments (Owner) and Odan Detech (Agent) for the property legally described as Lot 1, Plan M94. (File No. 2000-89-19 Draft Plan of Subdivision) (File No.1601-21-19 Zoning Amendment)

**3.2 Zoning By-law Amendment**

Re: Township of West Lincoln – Parking, Driveways, Boulevards & Culvert By-law Review (File No. 1601-007-20)

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

There were no changes in order of items on the agenda.

**5. APPOINTMENTS**

There were no appointments.

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

1. Jared Marcus, Consultant, IBI Group  
Re: Item 9.1 Site Alteration – Marz Homes

Mr. Marcus stated that his clients, Marz Homes Developments is seeking approval of a site alteration permit that will allow them to move an additional 1,500 cubic metres of engineered fill from their Smithville station site downtown to their future development site The Thrive Project which is located at the Northwest quadrant of South Grimsby Road 5 and Regional Road 20. This will be in addition to the approx. 1,500 cubic metres that have already been moved to that development.

Mr. Marcus noted that this engineered fill that was imported to that project downtown would have likely been reviewed by soil engineers to ensure its compatibility for the development, and that the soil was used to bring the site up to grade to ensure its compatibility for grading and to use the soil for construction of those dwellings. Mr. Marcus also stated that a Draft Plan of Subdivision and Zoning amendment have been submitted, but unfortunately those have not been deemed completed yet due to delay from one of the consultants. He is hoping that the report will be ready in the next week or so.

Mr. Marcus provided comments in regard to some concerns that have been raised by the public including the timing of the work that is being proposed, height of the stock pile of soil as well as concerns about the general cleanliness of the work. Mr. Marcus' response to the timing of the work was that his clients are ready to start moving the fill as soon as it is approved and Township staff can issue that permit. Length of work is expected to take one week to complete the movement from the site, weather depending, and the length of time the soil will sit there will depend on the approval process. In response to the concerns regarding the height of the stock pile, Mr. Marcus stated that his client's intention is to grade out the soil to have it flattened out without moving any of the fill to the field so the field will remain agricultural.

Finally with regard to the general cleanliness of the work being completed, Mr. Marcus stated that the material that is being imported is engineered fill which is made up of a denser/ heavier composition than if you had a pile of

top soil, therefore it is less likely that wind is going to be able to grab that soil and move it, creating less likelihood that there will be dust impacts. In regard to general cleanliness of the site, the client has advised that they are required to do general cleaning of the streets in their development and it is their expectation that if there is any dirt or debris that they are required to clean it up.

**7. CONSENT AGENDA ITEMS**

**7.1 ITEM P55-20**

CONSENT AGENDA ITEMS:

**Moved By** Councillor William Reilly

**Seconded By** Mayor Dave Bylsma

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

1. Item 1 and 2 be and is hereby received for information; and,
2. Items 3 and 4 are hereby received and the recommendations contained therein be adopted.

**Carried**

1. Technical Report No. PD-132-2020 - P Budd Developments - Application for Draft Plan of Subdivision and Application for Zoning Bylaw Amendment (File No. 1601-021-19) (File No. 2000-089-19)
2. Technical Report No. PD-134-2020 - Zoning By-law Amendment - Township of West Lincoln - Parking, Driveway, Boulevard and Culvert Bylaws Review
3. Recommendation Report No. PD-138-20 - DRAFT Official Plan Amendment for Spring Creek Heights Secondary Plan (DRAFT Amendment No. 57)
4. Recommendation Report No. PD-139-20 - Draft Renewable Energy Policies for the Township of West Lincoln Official Plan

**8. COMMUNICATIONS**

**8.1 ITEM P56-20**

Ms. Debbie France, Norfolk County Resident

Re: Stop Illicit Cannabis Grow Operations

Councillor Trombetta commented that this is an ongoing issue in the area and asked why the Niagara Regional Police (NRP) are not policing this issue. Councillor Trombetta asked what can we do as a municipality and as Councillor's to put an end to the illegal operations.

In response to Councillor Trombetta's questions, the Director of Planning & Building stated that the Township is dealing with a number of cannabis

grow operations this year, however the issues seem to be most prominent from the personal grows or designated grows. The Director of Planning and Building confirmed that the cannabis grow operations that the Township is dealing with all have Health Canada licenses however, the police will only get involved if there is evidence that they are growing more than what they are licensed to grow. The Director of Planning & Building also noted that the personal grows would have to comply with the Township's zoning requirements and if they do not comply it would result in a court issue. The Director of Planning & Building stated that he has been advised from other municipalities, including Norfolk, that the operations that are fully licensed by Health Canada with perimeter fencing and air pollution facilities in place are generally not the focus of the complaints, and that the concerns are the personal grows. The Director of Planning & Building also stated that he had reached out to Ms. France who said that the concerns that she is referring to in Norfolk are similar to the concerns that are being dealt with in the Township of West Lincoln.

Councillor Ganann asked the Director of Planning and Building if there was anything more we can do more than just receive this communication for information and asked if there is any way we can support the work that Ms. France has done? The Director of Planning & Building stated Ms. France's concerns are very similar to a letter that Council instructed staff to send last year dated November 13, 2019 to Health Canada. The Director of Planning & Building stated that the Township has asked for a meeting with Health Canada which never happened. The Director of Planning & Building also noted that he sees no reason why the Township cannot support Ms. France's correspondence about reaching out to various associations and getting this issue back on the radar.

Councillor Jonker asked the Director of Planning & Building if he could elaborate on the properties that the police have indicated the Township staff to stay away from and asked if the Township is able to look at the properties that do not have proper fencing. The Director of Planning & Building addressed Councillor Jonker's questions by stating that the properties in question would have to be discussed in closed session which can be addressed under the quarterly by-law report being put forward tonight. In regard to the fencing issue, the Director of Planning & Building noted that through the Township's zoning requirements, the Township has a chance to deal with some of those issues as the zoning by-law makes reference to parameter fencing and those requirements.

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In response to Councillor Reilly's question regarding the letter that was prepared by Township staff back in 2019 in regard to Cannabis Grow Operations, the Director of Planning & Building stated that the Township wrote the letter dated November 13, 2019 and sent it to Health Canada and copied the Attorney General, the Premier, MP and MPP.

Councillor Reilly put forward a motion to resend that letter dated November 13, 2019 to include all federal and provincial representatives. Councillor Trombetta asked to have Council copied on the letter when it is sent out.

**Moved By** Mayor Dave Bylsma

**Seconded By** Councillor William Reilly

That, Staff resubmit the letter dated November 13, 2019 regarding Illicit Cannabis Operations to include Federal, Provincial, FCM, ROMA and AMO Organizations.

**Carried**

**Moved By** Mayor Dave Bylsma

**Seconded By** Councillor Harold Jonker

That, correspondence regarding "Stop Illicit Cannabis Grow Operations" submitted by Ms. Debbie France on September 13th, 2020, be received for information.

**Carried**

### 8.2 ITEM P57-20

Max & Linda Smith, Township of West Lincoln Residents

Re: Petition for Grimsby Airport

Mayor Bylsma provided clarity as to why this item was being presented on this committee agenda. Mayor Bylsma stated that Grimsby Airport is on the boundary of the Township of West Lincoln and the Town of Grimsby and that some of the neighbours who reside in the Township of West Lincoln have concerns about Grimsby Airport and have brought forward a petition. Mayor Bylsma noted that the Township wanted the residents to be aware that Council and staff are forwarding this correspondence to Town of Grimsby staff; however, the Township will be retaining a copy for our records. Mayor Bylsma also stated that the Town of Grimsby Mayor and CAO as well as the Township of West Lincoln's Mayor and CAO have been in communication with the residents to try to get a resolution around some of the challenges of the Grimsby airport.

**Moved By** Mayor Dave Bylsma

**Seconded By** Councillor William Reilly

That, Petition for Grimsby Airport submitted October 2nd, 2020, be received for information; and,

That, the Petition for Grimsby Airport be forwarded to the Town of Grimsby Council, CAO, By-law Enforcement as well as their Director of Planning.

**Carried**

## **9. STAFF REPORTS**

### **9.1 ITEM P58-20**

Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-126-20 - Site Alteration Application – Marz Homes Inc. (Agent- IBI Group, Contractor – Cardi Construction) West of South Grimsby Road 5 and North of Regional Road 20, being Lot 9, Plan M98 File No. 3000-007-20

In response to Councillor Rehner's question regarding the recommendation brought forward, the Director of Planning & Building stated that staff put forward the recommendations and included number three (3) due to complaints that staff had received earlier in the summer and therefore staff had anticipated similar concerns with this application. The Director of Planning & Building stated that the concerns that were raised were addressed by Mr. Marcus at the beginning of the night and he also noted that a letter was submitted to Council after the report was completed which he then read into the record.

Councillor Jonker asked why no security deposit was submitted with this application. The Director of Planning & Building stated that there should be a security deposit listed and that he will correct that error.

**Moved By** Councillor Harold Jonker

**Seconded By** Councillor Jason Trombetta

1. That, Report PD-126-20, regarding “Recommendation Report, Site Alteration Application –Marz Homes Inc (Agent - IBI Group, Contractor - Cardi Construction), West of South Grimsby Road 5 and North of Regional Road 20, being Part Lot 9, M98, File No. 3000-007-20”, dated October 13th, 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; 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 at any time.

**Carried**

**9.2 ITEM P59-20**

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

Re: Recommendation Report No. PD-127-20 - 167 St. Catharines Street (2424568 Ontario Inc.) Site Plan Authorizing By-law and Easement Agreement File No. 2100-006-20

The Director of Planning & Building provided an overview of the report as requested by Councillor Ganann and stated that when staff completes a site plan review, it is circulated for agency comments. The comment stage has been completed and the comments received are fairly minor. The Director of Planning & Building noted that the Township is seeking authority to enter the agreement; however, there is one complication in this case that all of the houses along the north side of St. Catharines Street are serviced by a rear yard sewer. The Director of Planning & Building stated that to build the condo development they need to remove that sewer which can be re-routed at the developer's expense and to the satisfaction of the Public Works Department. The Director of Planning & Building noted that the Township has the survey and draft sewer easement agreement.

**Moved By** Councillor Harold Jonker

**Seconded By** Mayor Dave Bylsma

1. That, report PD-127-20, regarding "167 St. Catharines Street (2424568 Ontario Inc.) Site Plan Authorizing By-law and Easement Agreement for File No. 2100-006-20", dated October 13, 2020, BE RECEIVED; and,
2. That, the Mayor and Clerk be authorized to sign a Site Plan Agreement with 2424568 Ontario Inc., and any applicable mortgagees, once all site plan details are completed; and,

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3. That, the Mayor and Clerk be authorized to enter into an agreement(s) and sign all pertinent documents relating to the relocation of the easement on the subject property and 177 St. Catharines Street.

**Carried**

### 9.3 ITEM P60-20

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

Re: Recommendation Report No. PD-131-20 - Crossings on the Twenty (South) DeHaan Homes Condominium Assumption Agreement - File No. 2100-072-08 CDM

**Moved By** Councillor Jason Trombetta

**Seconded By** Councillor Harold Jonker

1. That, report PD-131-20, regarding "Recommendation Report Crossings on the Twenty (South) DeHaan Homes Inc. Condominium Assumption Agreement; File No 2100-072-08 CDM", dated October 13th, 2020 be received; and,
2. That, the Clerk be authorized by By-law to sign the condominium Declaration, if required, and once Township Legal Counsel has reviewed; and
3. That, a By-law authorizing the Mayor and Clerk to enter into a Condominium Assumption Agreement and other related agreements between the Corporation of the Township of West Lincoln, DeHaan Homes Inc., Meridian Credit Union, and Condo Corporation No. XX(Number to follow), BE APPROVED.

**Carried**

### 9.4 ITEM P61-20

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

Re: Recommendation Report Housekeeping - Amendments to Zoning Bylaw 2017-70, as Amended (Round 3)

**Moved By** Councillor William Reilly

**Seconded By** Mayor Dave Bylsma

1. That, report PD-133-2020, regarding "Housekeeping Amendments to Zoning Bylaw 2017-70, as Amended (Round 3)", dated October 13, 2020 be received, and;



2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, a bylaw to implement the housekeeping Zoning By-law Amendments submitted by the Township of West Lincoln, BE APPROVED.

**Carried**

**9.5 ITEM P62-20**

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

Re: Recommendation Report - College Street "Secondary Plan/ Land Use Plan" St Martins "Secondary Plan/Land Use Plan" FINAL Official Plan Policies (Amendment No.53 & 54) and FINAL Zoning By-Law Amendment

Mayor Bylsma stated that these secondary plans are a good step in the planning process and although they are smaller they provide an opportunity for the community to make comments and contribute to what is happening in their neighbourhood. Mayor Bylsma acknowledged Councillor Reilly's efforts to spread the word by using social medial platforms to get the public engaged in conversation.

In response to Councillor Reilly's questions about the design of McMurchie Lane and the Region's requirements of a detailed plan for review and approval to ensure the lane will operate smoothly solely as one way, the Director of Planning & Building stated that at the time of a future development application, the Region will want the developer to figure out how best to design McMurchie Lane. The Director of Planning & Building noted that there is nothing the Township has to do now, but once any application comes forward, the Region has placed us on notice that we will have to sort out McMurchie Lane.

**Moved By** Mayor Dave Bylsma

**Seconded By** Councillor Harold Jonker

1. That, Report No. PD-129-20, dated October 13<sup>th</sup> 2020, relating to the College Street School and St Martins School Secondary Plan- Final Secondary Plan Policies, BE RECEIVED, and;
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, Official Plan Amendments No. 53 and 54 and corresponding implementation bylaws be APPROVED and passed; and,

4. That staff be authorized to circulate the Notice of Decision on the approval of Official Plan Amendment No. 53 and 54 to the agencies and the public to commence the 20 day appeal period as Regional Council approval is not required; and.
5. That, Zoning By-law Amendments for each school site, be APPROVED and passed; and,
6. That, Staff be authorized to circulate the Notice of Decision for the Official Plan Amendments and Zoning By-law Amendments with the corresponding 20-day appeal period, with full force and effect occurring once Official Plan Amendment No. 53 (St Martins) and Official Plan Amendment No. 54 (College Street) have been approved without appeal.

**Carried**

**9.6 ITEM 63-20**

Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-135-20 – Site Alteration Application – 8265 Young Street – Bruno and Lilly Tassone – File No. 3000-001-20

**Moved By** Councillor William Reilly

**Seconded By** Councillor Jason Trombetta

1. That, Report PD-135-20, regarding “Recommendation Report, Site Alteration Application, 8365 Young Street – Bruno and Lilly Tassone, File No. 3000-001-20”, dated October 13th, 2020, be RECEIVED; and,
2. That, the following steps be satisfactorily completed prior to the issuance of an approved permit for 10,000m<sup>3</sup> such as that found at attachment 4 to this report:
  - a. A detailed soils plan be provided to identify the source and quality of the soil to be imported. Further, a plan for the development of the orchard be submitted prior to approval, and
  - b. That a drainage plan be provided such that the flow of surface water is shown before and after to address concerns that fill will affect drainage patterns, and
  - c. That an agreement be signed and a \$15,000.00 security deposit be submitted for the importation plan; and,
  - d. That proper siltation fencing be installed, and
  - e. That the agreement include a truck route due to the concerns of the neighbours. Such truck route shall be reviewed and approved by Township Public Works staff prior to the operation commencing

- and that the security also be held to repair road damage caused by this project, if any; and
- f. That a condition assessment of Young Street occur by Township Public Works staff before the permit is issued.
  3. Upon completion of the steps noted in clause 2 above, a site alteration permit be issued for up to 10,000m<sup>3</sup>, subject to the agreement and security noted in 2c) and a final engineer's report; and,
  4. That all soil to be imported shall be clean fill with no rubble or contaminants. The owner shall ensure compliance with soil standards of the Province; and,
  5. The applicant shall acknowledge, that should a permit in Recommendation 2 be issued, that there shall be no excess trucks parked on area streets/roads waiting to dump and there shall be full transparency at all times with the Township of West Lincoln of when importation shall be occurring and the source of all soil; and,
  6. Following importation of fill and final regrading of the site, then top soil shall be required and must be reapplied and if additional is required, it must meet Township standards before being imported to the subject lands; and,
  7. A final Engineer's report shall confirm all works completed and drainage functions in a non-detrimental way for all neighbours. The release of security shall not occur until an agricultural crop is planted and growing on the lands to the satisfaction of the Township and based on comments from the tenant farmers, and roads are in a satisfactory condition to the satisfaction of Public Works.

**Carried**

**9.7 ITEM P64-20**

Director of Planning & Building (Brian Treble)

Re: Information Report No. PD-140-20 - Master Community Plan (MCP) – Update and Additional Study Work

**Moved By** Councillor William Reilly

**Seconded By** Councillor Harold Jonker

1. That, Report PD-140-2020, regarding "Information Report, Master Community Plan (MCP) Update and Additional Study Work", dated October 13<sup>th</sup>, 2020, be RECEIVED for information purposes.

**Carried**

**9.8 ITEM P65-20**

Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-137-20 - Renewal of Lease

Agreement with Bell Mobility for Cell Tower situated at 8635 Silver Street  
(Fire Station 2) - Site Plan File No. 2100-097-01

In response to Councillor Trombetta's question regarding talking to the internet provider to see if the Township is able to get more internet access for rural residents, the CAO stated that this is definitely a question that can be raised and is a good question as it follows through with the Township's strategic plan.

**Moved By** Councillor Jason Trombetta

**Seconded By** Mayor Dave Bylsma

1. That, Report PD-137-20, regarding "Recommendation Report, Renewal of Lease Agreement with Bell Mobility for Cell Tower situated at 8635 Silver Street (Fire Station 2)", dated October 13th, 2020, be RECEIVED; and,
2. That, a by-law be passed to authorize the Mayor and Clerk to sign a new lease agreement with Bell Mobility, upon completion of negotiations to the satisfaction of the CAO.

**Carried**

**10. OTHER BUSINESS**

**10.1 ITEM P66-20**

Members of Committee

Re: Other Business Matters of an Informative Nature

- (i) Mayor Bylsma  
Corporate Community Care Food Drive

Mayor Bylsma thanked everyone who participated in the Corporate Community Care Food Drive. Mayor Bylsma stated that there is a lot of good corporate citizens in our community who reached out to help and provide their assistance.

**11. NEW BUSINESS**

There were no new items of business.

**12. CONFIDENTIAL MATTERS**

**Moved By** Councillor William Reilly

**Seconded By** Councillor Jason Trombetta

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:

**12.1 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

**12.2 Director of Planning & Building (Brian Treble)**

Re: Confidential Information Report No. PD-119-20 -

South Grimsby Road 21 – Site Plan Update - File No. 2100-012-19

**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

**Carried**

**Moved By** Councillor William Reilly

**Seconded By** Councillor Jason Trombetta

That, this Committee meeting now resume in open session at the hour of 10:50 p.m.

**Carried**

**12.1 ITEM P67-20**

Director of Planning & Building (Brian Treble)

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

The Committee rose without reporting.

**12.2 ITEM P68-20**

Director of Planning & Building (Brian Treble)

Re: Confidential Recommendation Report No. PD-136-20 – South  
Grimsby Road 21 Follow-up – Site Plan Update – File No. 2100-012-19

**Moved By** Councillor Jason Trombetta

**Seconded By** Councillor William Reilly

1. That, Report No. PD-136-2020, dated October 13, 2020, relating to Confidential Recommendation Report – Follow up on Regional Road 20 - Site Plan Update File No. 2100-012-19, BE RECEIVED; and,
2. That, that Undertaking and hold back be and hereby are accepted as security to address the status of the current site plan agreement.

**Carried**

**13. ADJOURNMENT**

The Chair declared the meeting adjourned at the hour of 10:52 p.m.



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**JESSICA DYSON, DEPUTY CLERK**

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**COUNCILLOR CHERYL GANANN, CHAIR**