

DATE: April 9, 2024

REPORT NO: PD-20-2024

SUBJECT: **Technical Report - Site Alteration Application - 3118 Grassie Road – Sikander Gulacha - File No. 3000-001-24**

CONTACT: John Bartol, Chief Building Official
Brian Treble, Director of Planning & Building

OVERVIEW:

- During the fall of 2023 Mr. Gulacha approached the Township about importing fill to 3118 Grassie Road.
- The fill is proposed to accommodate a submitted grading plan that accompanied a building permit application. The building permit has been issued but the extent of work proposed on the grading plan has not been approved with the building permit approval. The proposed grades are being submitted to accommodate the overland drainage flow from the new house on the agricultural lot. The proposed grades are intended to keep the new and intensified overland water drainage to the residential area as well as a storm water pond which is intended to keep the new and intensified water flows off of the agricultural lands as there is an intent to utilize these lands in the future for the purpose of agriculture. The affected lands are zoned Agricultural 'A' at 3118 Grassie Road. The 'A' Zone permits agricultural uses plus uses accessory to the agricultural use and a single detached dwelling.
- An application for a site alteration permit was submitted on October, 25 2022. Notice was mailed to all affected agencies and neighbouring properties on March 8th, 2024.
- A proposed grading plan has been prepared for the property and was submitted with the building permit application.
- Under this application, up to 462 truckloads (4617m³) is proposed.
- If this application is approved, a security deposit of \$7,000.00 will be required along with a signed site alteration agreement. 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 proof thereof and to ensure there is no road damage, etc.

RECOMMENDATION:

1. That, Technical Report PD-20-24, titled “Technical Report - Site Alteration Application - 3118 Grassie Road – Sikander Gulacha, File No.3000-001-24”, dated April 9th, 2024, be received; and
2. That, a recommendation report be provided at a future Council or Committee meeting.

ALIGNMENT TO STRATEGIC PLAN:

- **Build** – a safe, connected, caring and active community.

BACKGROUND:

Township staff first received an inquiry that site alteration work was proposed at 3118 Grassie Road in the fall of 2022. Township staff have met with Mr. Sikander Gulacha and their project manager in office and corresponded during the building permit application process. It was noted that the requirements on the grading plan exceeds the amount of fill permitted within the site alteration by-law. Mr. Gulacha has submitted an engineer’s stamped plan outlining the placement of the proposed grades. Mr. Gulacha has expressed a request to in addition to the 4617 m³ imported amount of fill to bring in additional loads to construct rolling hills not to exceed 1 metre in height around the proposed pond.

Construction has commenced on the newly proposed dwelling, the requirement of a Site Alteration permit was noted on the proposed grading plan as part of the building permit issued drawings. Mr. Gulacha and his agent have been very patient and diligent in working with staff through this process and as of this date has not proceeded with any work outside of his permitted permits.

CURRENT SITUATION:

A site alteration permit application has been submitted for review. The application was received on October, 25th, 2022. Though the application date is from more than a year ago works including the submission of the building permit as well as lot grading and drainage plan had been delayed and were required to be submitted prior to the submission for the Site Alteration Permit. The applicant proposes to import additional fill onto the agricultural lands to accommodate the new storm and overland water flows being caused by the construction of the new Single Detached Dwelling. The new dwelling is large in size and placed farther back into the lot than the original dwelling was, this is in accordance with the current Township of West Lincoln Zoning By-law. The size of the dwelling as well as with its placement poses an increase to the expected storm water flows due to an increase in hard scape area on the lot. The proposed grading plan is planning on utilizing fill to create overland drainage swales to direct the new water flows to a storm water pond on the property. This storm water pond and the proposed grading plan are being utilized to divert water from the remaining agricultural area on the lot roughly 8.22 acres so that the agricultural lands are still workable for future planting cycles.

Existing drainage swales surrounding the property will remain and the relocation of the existing pond will be placed in front of the new dwelling closer to Grassie Road as to not interfere with the rear yard agricultural area.

In addition to the grading plan cut/fill requirements, Mr. Gulacha has expressed to Township staff the need for small hills surrounding the pond. The amount of additional fill required for these hills has not yet been calculated but would be reflected in the future recommendation report. The required fill to accommodate these hills would be minimal as they are small in area and will not exceed 1 metre in height.

In total, up to 4617m³ (462 truckloads) of soil is proposed to be imported for the alteration outlined in the proposed grading plan. 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 and have observed the site from the road as well. The main area where fill will be placed is located directly around and in front of the dwelling as to not interfere with the rear yard agricultural area. The drainage will be controlled by swales. All drainage created by the construction of the dwelling is to be contained on this lot.

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 concern surrounding the increase to the total amount of fill required to accommodate the proposed hills around the ponds. Staff will require an updated grading plan prior to the submission of the recommendation report being brought forward.

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 \$7,000.00 will be required to be provided by the owners and will be held, should approval be granted, until the work is completed and an as built grading plan is submitted.

INTER-DEPARTMENTAL COMMENTS:

The Township of West Lincoln Public Works department is currently the only regulating body providing comment on the application. In which the Township's Public Works department has raised concerns on;

- The proposed truck route.
- A road damage deposit.
- Load restrictions based on time of year.
- Placement of mud-mat(s) at the entrance and exit to the site.
- Silt fencing installation.

All of the noted comments will be incorporated into the proposed site alteration agreement and into the future recommendation report.

PUBLIC COMMENTS

There have not been any public comments as of this time.

AGENCY COMMENTS

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

- NPCA
- Hydro One
- Town of Grimsby
- Region of Niagara
- Township Planning
- Township Building and By-law Department
- Township Public Works
- Township Fire Department

There have been no comments from any of these agencies.

CONCLUSION:

This technical report is provided in response to a site alteration application that was received on October, 25, 2022. Notice was circulated to agencies and public on March 8th, 2024. To date, no public comments have been received. A recommendation report will follow once the completion of the public meeting has occurred.

SCHEDULES:

1. Location Map

Prepared & Submitted by:



Brian Treble
Director of Planning & Building

Approved by:



Donna DeFilippis
Interim CAO

A handwritten signature in black ink, appearing to read "John Bartol". The signature is written in a cursive style with a large loop at the end.

John Bartol
Chief Building Official