

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE
MINUTES 10:03
APRIL 8, 2010**

LOCATION: South Frontenac Municipal Offices, Sydenham

IN ATTENDANCE: David Hahn (Bedford District)
Richard Phillips (Bedford District)
Len McCullough (Loughborough)
Larry Redden (Portland District)
Bill Robinson (Portland District)
Larry York (Storrington District)
Jack Moreland (Storrington District)

ABSENT WITH REGRETS: Ron Vandewal (Loughborough District)

STAFF & CONSULTANTS: Lindsay Mills – Secretary-Treasurer/Planning
Coordinator
Anne Levac – Assistant Secretary-Treasurer

RESOLUTIONS & BUSINESS:

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Item #1: Call to Order

RESOLUTION: C of A: 10:03:01

Moved by: L. McCullough

Seconded by: J. Moreland

THAT the April 8th, 2010 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:00 p.m. with Vice-Chair David Hahn in the Chair.

Carried

Item #2: Adoption of Agenda

Adopted as circulated

Item #3: Declaration of Pecuniary Interest

None

Item #4: Minutes of March 11th, 2010 meeting

RESOLUTION: C of A: 10:03:02

Moved by: J. Moreland

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the March 11th, 2010 meeting of the Committee, as circulated.

Carried

Item #5: Western Cataraqui Region Groundwater Study

Presentation and question/answer session – Mara Shaw, Steve Knechtel – Cataraqui Region Conservation Authority

M. Shaw briefly outlined the process and findings of the Western Cataraqui Region Groundwater Study, carried out by Trow Associates Inc., and incorporating findings and recommendations for Loyalist Township, Town of Greater Napanee, Township of South Frontenac, and the rural parts of the City of Kingston. The study examined groundwater in relation to its supply, natural quality characteristics and its potential vulnerability to contamination.

The overall purpose is to protect groundwater for the long term.

In some parts of the study area, there are problems with a lack of water, or the existence of high levels of salt or sulphur in the water. In other areas, there are concerns related to the closeness of groundwater to the surface and shallow soil, with the potential result that any contamination could not be attenuated – i.e. contamination of ground water on one property could very easily impact nearby properties.

Some “hot spots” in South Frontenac were pointed out. In these “red zones” it is recommended the development only be permitted if site specific studies are done to prove that development is appropriate.

Committee members asked questions about the need for draw-down tests, and it was explained that such a test looked at the potential effect of new wells on existing wells, but did not address the matter of contamination and nitrate attenuation. The normal requirement to prove a minimum capacity of potable water also does not deal with the issue of potential contamination.

In response to a question about drainage concerns related to the proposed severances on Holleford Road, M. Shaw responded that poor drainage may be an indication of susceptibility to cross-contamination. A relatively inexpensive study could provide recommendations as to ways to reduce potential cross-contamination (e.g. through specific location of swales) and could also specify the best locations for septic systems.

Item #6: S-05-10-P, S-06-10-P, S-07-10-P (Dowker)

In Attendance: Wendell Dowker

Discussion

The subject lands consist of 99+/- acres with frontage on Holleford Road, District of Portland, and are vacant. The applicant is proposing to sever 3 residential lots, each more than 2.5 acres in size and with a minimum of 250 ft. road frontage.

There was discussion at the March meeting about the amount of development in a relatively confined area, especially given that another property owner had also applied to create six lots along this stretch of Holleford Road. L. Mills expressed the opinion that a study should be carried out to assist in determining conditions to be put in place so as to lesson the likelihood of cross-contamination and drainage problems.

Subsequent to the March meeting, L. Mills met with Bob Putzlocher of the Ministry of Environment who expressed the opinion that a study might not prevent development, but would provide important information regarding septic locations and nitrate evaluation

The applicant expressed the opinion that his property is not located within the highly sensitive area, but it was noted by L. Mills that the property appears to him to be at least partially within the highly sensitive area and certainly with the sensitive area. R. Phillips noted that it would seem logical for the owners to have potential problems addressed now.

A draft set of conditions had been prepared for the Committee which included a requirement for studies related to nitrate attenuation and drainage. Approval of the severances had been given at the March meeting, on a recorded vote, but no conditions were included at that time. Therefore, the decision of the Committee now relates to the conditions.

RESOLUTION: 10:03:03

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby amends the conditions of consent application S-05-10-P by Wendell & Kathleen Dowker, concession 8, lot 3, District of Portland to create a residential lot, by adding the attached conditions.

Moved by: L. Redden

Seconded by: W. Robinson

THAT the proposed conditions be amended by removing # 8 and #9 related to required water and drainage studies, and that this amendment apply to consent applications S-05-10-P, S-06-10-P and S-07-10-P.

D. Han requested a recorded vote.

RECORDED VOTE:

D. Hahn	No	L. Redden	Yes
L. McCullough	Yes	W. Robinson	Yes
J. Moreland	Yes	R. Vandewal	absent
R. Phillips	No	L. York	Yes

Amendment Carried

RESOLUTION 10:03:03, as amended

D. Hahn requested a recorded vote.

RECORDED VOTE:

D. Hahn	No	L. Redden	Yes
L. McCullough	Yes	W. Robinson	Yes
J. Moreland	Yes	R. Vandewal	absent
R. Phillips	No	L. York	Yes

Motion as amended, Carried

Application No:	S-05-10-P
Owner:	Wendell & Kathleen Dowker
Location of Property:	Concession VIII, Lot 3, Holleford Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	March 11, 2010
Date of Decision:	March 11, 2010
Date of Amended Conditions:	April 8, 2010

CONDITIONS:

- 1. An acceptable reference plan or legal description of the severed lands in duplicate, and the deed or instrument (in triplicate) conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.**
- 2. The land to be severed by Consent Application S-05-10-P shall be for a 2.5+ acre lot, with 250 ft. frontage on Holleford Road.**
- 3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
- 4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
- 5. The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**
- 6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained land measured from the centre line of the traveled portion of the road**

to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and retained lands in the following manner:

- a) The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
- b) The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
- c) The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.

- d) The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e) The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
7. The applicant shall submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test.

RESOLUTION: C of A: 10:03:04

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby amends the conditions of consent application S-06-10-P by Wendell & Kathleen Dowker, concession 8, lot 3, District of Portland, to create a residential lot, by adding the attached conditions, as amended.

Carried

Application No:	S-06-10-P
Owner:	Wendell & Kathleen Dowker
Location of Property:	Concession VIII, Lot 3, Holleford Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	March 11, 2010
Date of Decision:	March 11, 2010
Date of Amended Conditions:	April 8, 2010

CONDITIONS:

- 1. An acceptable reference plan or legal description of the severed lands in duplicate, and the deed or instrument (in triplicate) conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
- 2. The land to be severed by Consent Application S-06-10-P shall be for a 2.5+ acre lot, with 250 ft. frontage on Holleford Road.
- 3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)

4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.
6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and retained lands in the following manner:
 - a) The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - b) The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
 - c) The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.
 - d) The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e) The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
7. The applicant shall submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test.

RESOLUTION: C of A: 10:03:05

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby amends the conditions of consent application S-07-10-P by Wendell & Kathleen Dowker, concession 8, lot 3, District of Portland, to create a residential lot, by adding the attached conditions, as amended.

Carried

Application No:	S-07-10-P
Owner:	Wendell & Kathleen Dowker
Location of Property:	Concession VIII, Lot 3, Holleford Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	March 11, 2010
Date of Decision:	March 11, 2010
Date of Amended Conditions:	April 8, 2010

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands in duplicate, and the deed or instrument (in triplicate) conveying the severed

lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.

2. The land to be severed by Consent Application S-07-10-P shall be for a 2.5+ acre lot, with 250 ft. frontage on Holleford Road.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.
6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and retained lands in the following manner:
 - a) The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - b) The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
 - c) The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.
 - d) The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e) The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
7. The applicant shall submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test.

Item #7: S-08-10-P, S-09-10-P, S-10-10-P (Babcock, Wm. & Neil)
In Attendance: Bill Babcock

Discussion

The subject lands consist of 50+/- acres with frontage on Holleford Road, District of Portland, and are vacant. The applicant is proposing to sever 3 residential lots, each a minimum of 2 acres in size and with a minimum of 250 ft. road frontage. The same applicants have applied to sever three lots on the east side of Holleford Road, in lot 3 (S-11-10-P, S-12-10-P and S-13-10-P). There was discussion at the March meeting about the amount of development in a relatively confined area, especially given that another property owner had also applied to create three lots along this stretch of Holleford Road. There was also concern expressed by Planning Staff regarding the fact that the proposed new lots were within, or very close to, an area that had been identified by a regional ground water study as being highly sensitive. A subsequent meeting between CRCA staff (who coordinated the study) and

Township staff clarified the issue in that the concern is with the amount of ground water so close to the surface, and therefore the greater potential for cross-contamination between lots. In addition, the Chief Building Official had expressed concern about drainage and ditching issues along the road in front of some of the lots being proposed. L. Mills has met with a representative of the Ministry of Environment who strongly advised that a study to examine nitrate attenuation and the most appropriate location for septic systems should be required. In addition, staff consider it advisable to also require that drainage issues be addressed.

No reports were available at the March meeting from Public Health, but have since been received. As a result of Public Health's inspection of the site, the applicants have agreed to move the two southerly lots further to the south by 250 ft. in order to better accommodate septic systems.

The discussion regarding these lots and those proposed through applications S-11-10-P, S-12-10-P and S-13-10-P, as well as the Committee's removal of draft conditions related to any studies of nitrates, location of sewage disposal systems or drainage issues, were substantially the same as those related to the Dowker consents.

RESOLUTION: C of A: 10:03:06

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-08-10-P by William Babcock and Neil Babcock, concession 8, lot 4, District of Portland, to create a residential lot, subject to conditions.

Moved by: L. Redden

Seconded by: W. Robinson

THAT the proposed conditions be amended by removing conditions related to required water and drainage studies, and that this amendment apply to consent applications S-08-10-P, S-09-10-P and S-10-10-P.

D. Hahn requested a recorded vote.

RECORDED VOTE

D. Hahn	No	L. Redden	Yes
L. McCullough	Yes	W. Robinson	Yes
J. Moreland	Yes	R. Vandewal	absent
R. Phillips	No	L. York	Yes

Amendment Carried

RESOLUTION: C of A: 10:03:06, as amended

D. Hahn requested a recorded vote.

RECORDED VOTE

D. Hahn	No	L. Redden	Yes
L. McCullough	Yes	W. Robinson	Yes
J. Moreland	Yes	R. Vandewal	absent
R. Phillips	No	L. York	Yes

Motion as amended, Carried

Application No:	S-08-10-P
Owner:	William Babcock, Neil Babcock
Location of Property:	Concession VIII, Lot 4, Holleford Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	March 11, 2010
Date of Decision:	April 8, 2010

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS:

6. An acceptable reference plan or legal description of the severed lands in duplicate, and the deed or instrument (in triplicate) conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
7. The land to be severed by Consent Application S-08-10-P shall be for a 2+ acre lot, with 250 ft. frontage on Holleford Road.
8. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
9. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
10. The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.
6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and retained lands in the following manner:
 2. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - f) The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
 - g) The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.
 - h) The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - i) The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
7. The applicant shall submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test.

RESOLUTION: C of A: 10:03:07

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-09-10-P by William Babcock and Neil Babcock, concession 8, lot 4, District of Portland, to create a residential lot, subject to conditions, as amended.

Carried

Application No:	S-09-10-P
Owner:	William Babcock, Neil Babcock
Location of Property:	Concession VIII, Lot 4, Holleford Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	March 11, 2010
Date of Decision:	April 8, 2010

DECISION: **PROVISIONAL CONSENT GRANTED, subject to conditions**

CONDITIONS:

1. **An acceptable reference plan or legal description of the severed lands in duplicate, and the deed or instrument (in triplicate) conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.**
2. **The land to be severed by Consent Application S-09-10-P shall be for a 2+ acre lot, with 250 ft. frontage on Holleford Road.**
3. **Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
4. **In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
5. **The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**
6. **The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and retained lands in the following manner:**
 - a) **The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;**
 - b) **The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;**
 - c) **The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:**

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.
 - d) **The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;**
 - e) **The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.**
7. **The applicant shall submit a well driller's report demonstrating a potable water**

pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test.

RESOLUTION: C of A: 10:03:08

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-10-10-P by William Babcock and Neil Babcock, concession 8, lot 4, District of Portland, to create a residential lot, subject to conditions, as amended.

Carried

Application No:	S-10-10-P
Owner:	William Babcock, Neil Babcock
Location of Property:	Concession VIII, Lot 4, Holleford Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	March 11, 2010
Date of Decision:	April 8, 2010

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS:

1. **An acceptable reference plan or legal description of the severed lands in duplicate, and the deed or instrument (in triplicate) conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.**
2. **The land to be severed by Consent Application S-10-10-P shall be for a 2+ acre lot, with 250 ft. frontage on Holleford Road.**
3. **Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
4. **In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
5. **The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**
6. **The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and retained lands in the following manner:**
 - a) **The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;**
 - b) **The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;**
 - c) **The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:**

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25,

as amended.

- d) The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e) The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
7. The applicant shall submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test.

Item #8: S-11-10-P, S-12-10-P, S-13-10-P (Babcock, Wm. & Neil)
In Attendance: Bill Babcock

Discussion

See discussion under item #7 above.

RESOLUTION: C of A: 10:03:09

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-11-10-P by William and Neil Babcock, concession 8, lot 3, District of Portland, to create a residential lot, subject to conditions.

Moved by: L. Redden

Seconded by: W. Robinson

THAT condition # 8 concerning the need for a nitrate attenuation and septic location study be removed from the conditions of applications S-11-10-P, S-12-10-P and S-13-10-P.

Amendment Carried

RESOLUTION: C of A: 10:03:09, as amended

Carried

Application No:	S-11-10-P
Owner:	William Babcock, Neil Babcock
Location of Property:	Concession VIII, Lot 3, Holleford Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	March 11, 2010
Date of Decision:	April 8, 2010
DECISION:	PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands in duplicate, and the deed or instrument (in triplicate) conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The land to be severed by Consent Application S-11-10-P shall be for a 2+ acre lot, with 250 ft. frontage on Holleford Road.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the

requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.

5. The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.
6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and retained lands in the following manner:
 - a) The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - b) The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
 - c) The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.
 - d) The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
6. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
7. The applicant shall submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test.

RESOLUTION: C of A: 10:03:10

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-12-10-P by William Babcock and Neil Babcock, concession 8, lot 3, District of Portland, to create a residential lot, subject to conditions, as amended.

Carried

Application No:	S-12-10-P
Owner:	William Babcock, Neil Babcock
Location of Property:	Concession VIII, Lot 3, Holleford Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	March 11, 2010
Date of Decision:	April 8, 2010

DECISION: PROVISIONAL CONSENT GRANTED, subject to condition

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands in duplicate, and the deed or instrument (in triplicate) conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.

2. The land to be severed by Consent Application S-12-10-P shall be for a 2+ acre lot, with 250 ft. frontage on Holleford Road.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.
6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and retained lands in the following manner:
 - a) The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - b) The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
 - c) The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.
 - d) The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e) The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
7. The applicant shall submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test.

RESOLUTION: C of A: 10:03:11

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-13-10-P by William Babcock and Neil Babcock, concession 8, lot 3, District of Portland, to create a residential lot, subject to conditions, as amended.

Carried

Application No:	S-13-10-P
Owner:	William Babcock, Neil Babcock
Location of Property:	Concession VIII, Lot 3, Holleford Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	March 11, 2010

Date of Decision: April 8, 2010

DECISION: **PROVISIONAL CONSENT GRANTED, subject to conditions**

CONDITIONS:

1. **An acceptable reference plan or legal description of the severed lands in duplicate, and the deed or instrument (in triplicate) conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.**
2. **The land to be severed by Consent Application S-13-10-P shall be for a 2+ acre lot, with 250 ft. frontage on Holleford Road.**
3. **Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
4. **In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
5. **The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**
6. **The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and retained lands in the following manner:**
 - a) **The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;**
 - b) **The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;**
 - c) **The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:**

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.
 - d) **The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;**
 - e) **The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.**
7. **The applicant shall submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test.**

Item #9: S-15-10-L (Barach)

In Attendance: Alan Campbell, representing the applicant

Discussion

The subject lands consist of 9.8+/- acres with frontage on Wilmer Road, District of Loughborough, and are developed with a single family dwelling. The applicant is proposing to sever a 4.3+/- acre parcel as a residential lot. There were no staff, agency or neighbour objections to the application.

RESOLUTION: C of A: 10:03:12

Moved by: L. McCullough

Seconded by: J. Moreland

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-15-10-L by Teresa Barach, concession 9, lot 18, District of Loughborough, to create a residential lot, subject to conditions.

Carried

Application No:	S-15-10-L
Owner:	Teresa Barach
Location of Property:	Concession IX, Lot 18, Wilmer Road, District of Loughborough, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	April 8, 2010
Date of Decision:	April 8, 2010
DECISION:	PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS:

1. **An acceptable reference plan or legal description of the severed lands in duplicate, and the deed or instrument (in triplicate) conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.**
2. **The land to be severed by Consent Application S-15-10-L shall be for a 4.3+/- acre lot, with a minimum of 250 ft. frontage on Wilmer Road.**
3. **Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
4. **In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
5. **The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**
6. **The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and retained lands in the following manner:**
 - d) **The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;**
 - e) **The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;**
 - f) **The Transfer/Deed from the Owner for the land to be dedicated shall be**

engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.

- g) The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - h) The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
7. The applicant shall submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test.

Item #10: S-16-10-P (Storms)
 In Attendance: Robert Storms

Discussion

The subject lands consist of 6.3+/- acres with frontage on Petworth Road, District of Portland, and are developed with a single family dwelling. The applicant is proposing to sever a 2+/- acre parcel as a lot addition to a vacant parcel which is also approximately 2 acres in size.

RESOLUTION: C of A: 10:03:13

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-16-10-P by Robert & Velma Storms, concession 6, lot 18, District of Portland, to create a lot addition, subject to conditions.

Carried

Application No:	S-16-10-P
Owner:	Robert & Velma Storms
Location of Property:	Concession 6, Lot 18, Petworth Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of lot addition
Date of Hearing:	April 8, 2010
Date of Decision:	April 8, 2010

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands in duplicate, and the deed or instrument (in triplicate) conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The land to be severed by Consent Application S-16-10-P shall be for a 2+/- acre lot addition to a vacant parcel on Petworth Road. In accordance with section 50(12) of the Planning Act, the deed to be stamped shall state that subsection 50(3) or subsection 50(5) of the *Planning Act*, as applicable, shall apply to any subsequent conveyance or transaction involving these lands.
3. In addition to condition #2 above, the Transferee shall provide a statement on the deed that the two parcels cannot be conveyed or transferred independently of each other.

4. **The adjusted lot line shall be approved by Public Health.**
5. **Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
6. **In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
7. **The Township of South Frontenac shall receive \$100 in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**

Item #11: S-17-10-S (Simonds)

In Attendance: Charles Simonds, Carl Keane

Discussion

The subject lands consist of 240+/- acres with frontage on Burnt Hills Road, District of Storrington, and are developed with a single family dwelling. The applicant is proposing to sever a 1.79+/- acre lot addition to the property of Carl Keane and Glenna Marsh at 1832 Burnt Hills Road. The Keane/Marsh property currently does not have any public road frontage, and is very small; therefore, a lot addition would greatly improve the situation. However, the application is complicated by the fact that an unopened road allowance runs through the lot to be enlarged, and in fact the owners' home and garage are largely located on the allowance. Therefore, a condition of approval of this application will be that the road allowance which divides the property be closed and deeded to Keane/Marsh. An application has already been submitted for this purpose and Council has given approval in principal to the road closing. The public hearing on the road closing is scheduled for April 20th.

RESOLUTION: C of A: 10:03:14

Moved by: J. Moreland

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-17-10-S by Charles Simonds, concession 10, lot 18/19, District of Storrington, to create a lot addition, subject to conditions.

Carried

Application No:	S-17-10-S
Owner:	Charles Simonds
Location of Property:	Concession 10, Lots 18/19, Burnt Hills Road, District of Storrington, Township of South Frontenac
Purpose of Application:	Creation of lot addition
Date of Hearing:	April 8, 2010
Date of Decision:	April 8, 2010

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS:

1. **An acceptable reference plan or legal description of the severed lands in duplicate, and the deed or instrument (in triplicate) conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.**
2. **The land to be severed by Consent Application S-17-10-S shall be for a 1.79+/- acre lot addition to 1832 Burnt Hills Road. In accordance with section 50(12) of the Planning Act, the deed to be stamped shall state that subsection 50(3) or subsection 50(5) of the *Planning Act*, as applicable, shall apply to any subsequent conveyance or transaction involving these lands.**

- a. In addition to condition #2 above, the Transferee shall provide a statement on the deed that the two parcels cannot be conveyed or transferred independently of each other.
- b. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
- c. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
- d. The Township of South Frontenac shall receive \$100 in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.
- e. The road allowance between lot 18 and lot 19 which divides the severed parcel and the lot to be enlarged, shall be closed and deeded to the owner of the lot to be enlarged, prior to the stamping of the deeds.

Item #12: S-18-10-P (Asselstine)

In Attendance: Scott Asselstine

Discussion

The subject lands consist of 37+/- acres with frontage on Road 38 and Holleford Road, District of Portland, and are developed with a storage shed. The applicant is proposing to sever a 2 acre parcel as a lot for the installation a solar panel. Although such installations do not require this much property, it appears to be a practical idea to create a lot that could accommodate residential development in case the owner ever wished to pursue that option. The applicant is also being asked to provide proof of water.

Representatives of Portland District presented the argument that it should not be necessary to require a well on property that is being used for an energy program rather than for a residence. L. Redden suggested that it would be more harmful to drill into the aquifer and leave the well unused for many years. He asked that staff seek clarification from the Province on how best to accommodate this type of use. He suggested that we may need to look at revising our official plan to better deal with new energy policies.

L. Mills expressed the opinion that we should require a well at this time because, if an adequate supply of potable water was not found, and the owner decided to change the use in a few years, an unusable lot would have been created.

RESOLUTION: C of A: 10:03:15

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-18-10-P by Scott Asselstine, concession 7, lot 6, District of Portland, to create a lot for a solar panel system, subject to conditions.

Moved by: L. Redden

Seconded by: W. Robinson

THAT the conditions of consent be amended to require that the applicant either provide a well report demonstrating a minimum amount of potable water from a drilled well, or that the applicant enter into a development agreement with the municipality to be registered on title to the severed lot which requires such a well report prior to the issuance of a residential building permit on the severed parcel.

Carried

RESOLUTION: C of A: 10:03:15

Carried as Amended

Application No:	S-18-10-P
Owner:	Scott Asselstine
Location of Property:	Concession VII, Lot 6, Road 38, District of Portland, Township of South Frontenac

Purpose of Application: Creation of lot
Date of Hearing: April 8, 2010
Date of Decision: April 8, 2010

DECISION: **PROVISIONAL CONSENT GRANTED, subject to conditions**

CONDITIONS:

1. **An acceptable reference plan or legal description of the severed lands in duplicate, and the deed or instrument (in triplicate) conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.**
2. **The land to be severed by Consent Application S-18-10-P shall be for a 2+ acre lot for the installation of a solar panel, with a minimum of 250 ft. frontage on Road 38.**
3. **Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
4. **In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
5. **The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**
6. **The applicant shall comply with either (a) or (b) below:**
 - (a) **submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test, or**
 - (b) **enter into a development agreement with the municipality to be registered on title to the severed parcel, which requires that the owner shall submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test, prior to the issuance of a residential building permit on the severed parcel**

Item #13: S-19-10-S (Sloan)

In Attendance: Joanne Sloan-Latimer

Discussion

The subject lands consist of 242+/- acres with frontage on Princess Road, District of Storrington, and are developed with a single family dwelling, a mobile home and several accessory buildings. The applicant is proposing to sever a 3+/- acre parcel as a residential lot. There does not appear to be a problem with minimum distance separation. A neighbouring property owner has expressed concern that the frontage on the proposed new lot is less than the minimum requirement of 250 ft. On the other hand, this "lot" is, for all intents and purposes, already in existence because it is wedged in between two developed parcels, and could therefore be considered to be in-filling. There were no objections from Public Health, Roads or the Chief Building Official.

RESOLUTION: C of A: 10:03:16

Moved by: L. York

Seconded by: J. Moreland

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-10-10-S by the Estate of William Sloan, concession 1, lot 23, District of Storrington, to create a residential lot, subject to conditions.

Carried

Application No:	S-19-10-S
Owner:	Estate of William Sloan
Location of Property:	Concession I, Lot 23, Princess Road, District of Storrington, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	April 8, 2010
Date of Decision:	April 8, 2010
DECISION:	CONDITIONAL CONSENT GRANTED, subject to conditions

CONDITIONS:

1. **An acceptable reference plan or legal description of the severed lands in duplicate, and the deed or instrument (in triplicate) conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.**
2. **The land to be severed by Consent Application S-19-10-S shall be for a 3+/- acre lot, with frontage on Princess Road.**
3. **Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
4. **In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
5. **The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**
6. **The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and retained lands in the following manner:**
 - a) **The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;**
 - b) **The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;**
 - c) **The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:**

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.
 - d) **The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;**
 - e) **The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.**

7. **The applicant shall submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test.**
8. **The applicant shall obtain an amendment to the Township's Comprehensive Zoning By-law to recognize the road frontage deficiency.**

Item #14: Other Business

- a) **Public Health Fees** – Committee members were updated as to the revised Public Health fee schedule for variances and consents. The new fees have apparently been established to ensure full cost recovery for the services they provide.
- b) **Procedural Issues** – clarification regarding the requirement for the Chair to vote on a recorded vote. In addition, the Chair is expected to vote on all motions, although is not required to do so. However, an abstention is counted a negative vote.

Item #15: Adjournment


RESOLUTION: C of A: 10:03:17

Moved by: R. Phillips

Seconded by: D. Hahn

THAT the April 8, 2010 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 8:30 p.m. to reconvene at 7:00 p.m. on Thursday, May 13, 2010, or at the call of the Chair.

Carried


David Hahn, Vice-Chairman


Lindsay Mills, Secretary-Treasurer