

**TOWNSHIP OF SOUTH FRONTENAC  
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE  
MINUTES 10:01  
FEBRUARY 11, 2010**

**LOCATION:** South Frontenac Municipal Offices, Sydenham

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

**ABSENT WITH REGRETS:** David Hahn (Bedford 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: 10:01:01

Moved by: R. Phillips

Seconded by: W.. Robinson

**THAT the February 11<sup>th</sup>, 2010 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:00 p.m. with Secretary-Treasurer Lindsay Mills in the Chair.**

Carried

**Item #2: Election of Chair & Vice-Chair**

L. Mills conducted the election.

**RESOLUTION:** C of A: 10:01:02

Moved by: L. York

Seconded by: L. McCullough

**THAT Ron Vandewal is hereby nominated as Chair of the South Frontenac Township Committee of Adjustment for the years 2010.**

There being no other nominations, Ron Vandewal was declared Chair for 2010.

Motion Carried

RESOLUTION: C of A: 10:01:03

Moved by: L. York

Seconded by: R. Phillips

**THAT David Hahn is hereby nominated as Vice-Chair of the South Frontenac Committee of Adjustment for the year 2010.**

There being no other nominations, David Hahn was declared Vice-Chair for 2010.

Motion Carried

R. Vandewal assumed the Chair's position.

**Item #3: Staff Appointments**

RESOLUTION: C of A: 10:01:04

Moved by: W. Robinson

Seconded by: L. Redden

**THAT the South Frontenac Township Committee of Adjustment hereby appoints Lindsay Mills as Secretary-Treasurer, and Anne Levac as Assistant Secretary-Treasurer, for the years 2010.**

Carried

**Item #4: Adoption of Agenda**

Adopted as circulated

**Item #5: Declaration of Pecuniary Interest**

None

**Item #6: Minutes of December 10<sup>th</sup>, 2009 meeting**

RESOLUTION: C of A: 10:01:05

Moved by: L. Redden

Seconded by: W. Robinson

**THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the December 10<sup>th</sup>, 2009 meeting of the Committee, as circulated.**

Carried

**Item #7: S-41-42-08-L (Pedersen)**

In Attendance: William Pedersen, Reg Genge, Ontario Lake Assessments

**Discussion**

The subject lands consist of 13.5+/- acres on Holleford Road and Holleford Creek, Loughborough District. The applicants are proposing to sever two residential lots – 2.98+ acres, and 3.12 acres in size. Both lots would take access from a private lane off of Holleford Road. These would be “water view” lots because of the sensitivity of the wetland. The property to the south of the proposed lots is the subject of applications S-44-08-L and S-45-08-L by Milk Crate Farm. Based on meetings involving planning staff, the applicant, Reg Genge of Ontario Lake Assessments, and Dan Cormier of Hopkins Cormier Surveyors, revised applications have been submitted. Mr. Genge has submitted another report and the revised proposal along with Mr. Genge's report were forwarded to the CRCA. Although comments had not been received from the CRCA, Committee members felt that Mr. Pedersen had done all that had been asked of him, and that any additional concerns could be dealt with at the rezoning or site plan stage.

RESOLUTION: C of A: 10:01:06

Moved by: L. McCullough

Seconded by: L. York

**THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-41-08-L by William & Marhi Pedersen, concession 13, lot 4/5, District of Loughborough, to create a residential lot, as amended, subject to conditions.**

Carried

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<b>Application No:</b>	S-41-08-L
<b>Owner:</b>	William & Marni Pedersen
<b>Location of Property:</b>	Concession 13, lot 4/5, District of Loughborough, Township of South Frontenac
<b>Purpose of Application:</b>	To create residential lot
<b>Date of Hearing:</b>	June 26, 2008
<b>Date of Decision:</b>	February 11, 2010

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

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**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-41-08-L shall be for a 2.98 +/- acre lot. The lot shall have a minimum of 250 ft. frontage on a private lane constructed according to the Township's standards for new private lanes, and shall be "together with a right-of-way" to Holieford Road, and a 6m wide access to Holleford Lake (part 7 on the revised sketch).**
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/or retained lands as the case may be 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 traveled 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 enter into a site plan agreement with the municipality, to be registered on title to the severed lot, which deals with the Township's limited service & environmental policies, and which incorporates all mitigating measures as set out in the reports of Ontario Lake Assessments, and by the Cataraqui Region Conservation Authority, and shall set out the limited access permitted to Holleford Lake.
8. The applicant shall obtain an amendment to the Comprehensive Zoning By-law to rezone the severed parcels to a special limited service zone.

RESOLUTION: C of A: 10:01:07

Moved by: L. McCullough

Seconded by: L. York

**THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-42-08-L by William & Marnie Pedersen, concession 13, lot 4/5, District of Loughborough, to create a residential lot, as amended, subject to conditions.**

Carried

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<b>Application No:</b>	S-42-08-L
<b>Owner:</b>	William & Marni Pedersen
<b>Location of Property:</b>	Concession 13, lot 4/5, District of Loughborough, Township of South Frontenac
<b>Purpose of Application:</b>	To create residential lot
<b>Date of Hearing:</b>	June 26, 2008
<b>Date of Decision:</b>	February 11, 2010

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

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**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-42-08-L shall be for a 3.12+/- acre lot. The lot shall have a minimum of 250 ft. frontage on a private lane constructed according to the Township's standards for new private lanes, and shall be "together with a right-of-way" to Holleford Road, and a 6m wide access to Holleford Lake (part 7 on the revised sketch).
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. 1996 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/or retained lands as the case may be 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 enter into a site plan agreement with the municipality, to be registered on title to the severed lot, which deals with the Township's limited service & environmental policies, and which incorporates all mitigating measures as set out in the reports of Ontario Lake Assessments, and by the Cataraqui Region Conservation Authority, and shall set out the limited access permitted to Holleford Lake.
8. The applicant shall obtain an amendment to the Comprehensive Zoning By-law to rezone the severed parcels to a special limited service zone.

**Item #8: S-44-08-L, S-45-08-L (Milk Crate Farm)**

In Attendance: William Pedersen, Reg Genge, Ontario Lake Assessment

Discussion

The subject lands consist of 19+/- acres on Holleford Road and Holleford Lake, Loughborough District. The applicants are proposing to sever two waterfront lots –3.69+ acres, and 5.87+/- acres in size. Both lots would take access from a private lane off of Holleford Road, and would be subject to a right-of-way in favour of the lots created through S-41 and S-42, (to the north) and the lot created through S-44 would also be subject to a right-of-way for pedestrian access to the lake. . Based on meetings involving planning staff, the applicant, Reg Genge of Ontario Lake Assessments, and Dan Cormier of Hopkins Cormier Surveyors, revised applications have been submitted. Mr. Genge has submitted another report and the revised proposal along with Mr. Genge's report were forwarded to the CRCA. One of the major revisions to the applications has been the enlargement of the proposed lots to ensure a minimum of 2.5 acres outside of the "low lying area/wetland. Although comments had not been received from the CRCA, Committee members felt that Mr. Pedersen had done all that had been asked of him, and that any additional concerns could be dealt with at the rezoning or site plan stage.

RESOLUTION: C of A: 10:01:08

Moved by: L. McCullough

Seconded by: L. York

**THAT the South Frontenac Township Committee of Adjustment hereby approves**

consent application S-44-08-L by Milk Crate Farm, concession 13, lot 4/5, District of Loughborough, to create a residential lot, as amended, subject to conditions.

Carried

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<b>Application No:</b>	S-44-08-L
<b>Owner:</b>	Milk Crate Farm
<b>Location of Property:</b>	Concession XIII, Lot 4/5, District of Loughborough, Township of South Frontenac
<b>Purpose of Application:</b>	Creation of residential lot
<b>Date of Hearing:</b>	June 26, 2008
<b>Date of Decision:</b>	February 11, 2010
 <b>DECISION:</b>	 <b>PROVISIONAL CONSENT GRANTED, subject to conditions</b>

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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-44-08-L shall be for a 3.69 (5.87)+/- acre lot. The lot shall have a minimum of 250 ft. frontage on a private lane constructed according to the Township's standards for new private lanes, and shall be "together with a right-of-way" to Holleford Road, and S-44 shall be subject to a 6m wide access to Holleford Lake (part 7 on the revised sketch).
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/or retained lands as the case may be 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 enter into a site plan agreement with the municipality, to be registered on title to the severed lot, which deals with the Township's limited service & environmental policies, and which incorporates all mitigating measures as set out in the reports of Ontario Lake Assessments, and by the Cataraqui Region Conservation Authority, and shall set out the limited access permitted to Holleford Lake.
8. The applicant shall obtain an amendment to the Comprehensive Zoning By-law to rezone the severed parcels to a special limited service zone.

RESOLUTION: C of A: 10:01:09

Moved by: L. McCullough

Seconded by: L. York

**THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-45-08-L by Milk Crate Farm, concession 13, lot 4/5, District of Loughborough, to create a residential lot, as amended, subject to conditions.**

Carried

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<b>Application No:</b>	S-45-08-L
<b>Owner:</b>	Milk Crate Farm
<b>Location of Property:</b>	Concession XIII, Lot 4/5, District of Loughborough, Township of South Frontenac
<b>Purpose of Application:</b>	Creation of residential lot
<b>Date of Hearing:</b>	June 26, 2008
<b>Date of Decision:</b>	February 11, 2010

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

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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-45-08-L shall be for a 5.87+/- acre lot. The lot shall have a minimum of 250 ft. frontage on a private lane constructed according to the Township's standards for new private lanes, and shall be "together with a right-of-way" to Holleford Road, and S-44 shall be subject to a 6m wide access to Holleford Lake (part 7 on the revised sketch).
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/or retained lands as the case may be 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 enter into a site plan agreement with the municipality, to be registered on title to the severed lot, which deals with the Township's limited service & environmental policies, and which incorporates all mitigating measures as set out in the reports of Ontario Lake Assessments, and by the Cataraqui Region Conservation Authority, and shall set out the limited access permitted to Holleford Lake.
8. The applicant shall obtain an amendment to the Comprehensive Zoning By-law to rezone the severed parcels to a special limited service zone.

**Item #9: S-60-09-S, S-61-09-S, S-62-09-S (Cox, Jaeger, Joslin, additions from Block B, Plan 716)**

In Attendance: Albert & Marlene Joslin, agents

#### Discussion

The subject lands consist of 4+/- acres constituting Block B, a communally owned area adjacent to a number of waterfront lots in Plan 716, off of Cedar Ridges Lane, Loughborough Lake. An agreement among the co-owners of Block B makes it possible for owners of waterfront lots in Plan 716 to apply for lot additions to add to their property the portion of Block B that lies directly behind their lots. The applications were deferred at the December meeting because of concerns about the small pieces of property which would be created "by default" if these lot additions were approved. It was agreed that the applications be deferred to provide the applicants with an opportunity to consider other options and for staff to obtain a legal opinion.

Staff contacted the Township solicitor, and there were two main points to his response, the first of which is offered from a legal perspective, and the second from his general experience with land use planning issues:

- i) The Committee of Adjustment is not bound by the agreement among the owners of Block B regarding lot additions; the decision about whether to grant severances is to be determined according to the normal criteria in section 51(24) of the Planning Act, not an agreement between the property owners.
- ii) The enlargement of significantly undersized lots is a positive step; however, the planning process seeks to avoid the indiscriminate fragmentation of land into potentially useless parcels. Instead, it seeks to examine the land use planning merits of what is being created and what is being retained and deal with it as a total solution.



Staff discussed this further with the applicants, and suggested that perhaps the lot additions to Cox and Joslin could include the property behind their neighbours to the north and south respectively, and therefore eliminate a major concern of Planning Staff.

The majority of Committee members felt that the enlargement of the waterfront lots was a stronger argument than the concern over some small parcels left in common ownership.

RESOLUTION: C of A: 10:01:10

Moved by: L. York

Seconded by: L. McCullough

**THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-60-09-S by Robert & Joan Cox, and other owners of Block B, Plan 716, Loughborough Lake, District of Storrington, to create a lot addition to a waterfront lot, subject to conditions.**

Carried

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<b>Application No:</b>	S-60-09-S
<b>Applicant:</b>	Robert & Joan Cox
<b>Location of Property:</b>	Concession I, Lot 11, Sandpiper Lane District of Storrington, Township of South Frontenac
<b>Purpose of Application:</b>	Create lot addition
<b>Date of Hearing:</b>	December 10, 2009
<b>Date of Decision:</b>	February 11, 2010
<b>DECISION:</b>	<b>PROVISIONAL CONSENT GRANTED, subject to conditions</b>

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**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-60-09-S shall be for a .22 +/- acre lot addition only, to property described as Lot 58, Plan 716, and therefore, any subsequent conveyance of this parcel of land shall be subject to Section 50(3) of the Planning Act. The applicant's solicitor shall provide verification that the transferee's property and the lot addition cannot be sold or transferred independently of each other.**
- 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 \$100 in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**

RESOLUTION: C of A: 10:01:11

Moved by: J. Moreland

Seconded by: L. York

**THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-61-09-S by Hans Jaeger, and other owners of Block B in Plan 716, Loughborough Lake, District of Storrington, to create a lot addition to a waterfront lot,**

subject to conditions.

Carried

**Application No:** S-61-09-S  
**Applicant:** Hans Jaeger  
**Location of Property:** Concession I, Lot 11, Sandpiper Lane District of Storrington, Township of South Frontenac  
**Purpose of Application:** Create lot addition  
**Date of Hearing:** December 10, 2009  
**Date of Decision:** February 11, 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-61-09-S shall be for a 1.8 +/- acre lot addition only, to property described as Lot 52, Plan 716, and therefore, any subsequent conveyance of this parcel of land shall be subject to Section 50(3) of the Planning Act. The applicant's solicitor shall provide verification that the transferee's property and the lot addition cannot be sold or transferred independently of each other.
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 \$100 in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.

RESOLUTION: C of A: 10:01:12

Moved by: J. Moreland

Seconded by: L. York

**THAT the South Frontenac Township Committee of Adjustment hereby approves consent S-62-09-S by Albert & Marlene Joslin, and other owners of Block B in Plan 716, Loughborough Lake, District of Storrington, to create a lot addition to a waterfront lot, subject to conditions.**

Carried

**Application No:** S-62-09-S  
**Applicant:** Albert & Marlene Joslin  
**Location of Property:** Concession I, Lot 11, Sandpiper Lane District of Storrington, Township of South Frontenac  
**Purpose of Application:** Create lot addition  
**Date of Hearing:** December 10, 2009  
**Date of Decision:** February 11, 2010

**DECISION:** **PROVISIONAL CONENT 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-62-09-S shall be for a .22 +/- acre lot addition only, to property described as Lot 51, Plan 716, and therefore, any subsequent conveyance of this parcel of land shall be subject to Section 50(3) of the Planning Act. The applicant's solicitor shall provide verification that the transferee's property and the lot addition cannot be sold or transferred independently of each other.
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 \$100 in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.

**Item #10: S-63-09-B (Barton)**

In Attendance: James Barton, Anne Bonwill Barton

**Discussion**

The subject lands consist of 14.6+/- acres with frontage on Opinicon Road and Opinicon Lake. The property is developed with a single family dwelling. Two parcels belonging to the applicants have merged because they were not created by consent or through a plan of subdivision, and they are held in common ownership. The applicant is proposing to re-divide the property by severing off the house with 2.34 acres and 112 ft. of water frontage, and retaining 12.3 acres with 128 ft. of water frontage. The applicant has indicated that this would constitute a "technical severance" because of how the properties came to be merged. In fact, there is no reference in the Planning Act to a "technical severance" although some municipalities use the term to refer to certain types of severance which they may feel do not require the same rigorous standards as the usual applications. It is staff's understanding that, from a legal perspective, the history of the property and how it came to be under common ownership are not relevant.

Neither the severed nor retained parcel would have the required water frontage, and the proposed severed lot would be slightly undersized. Public Health has indicated that a report is not possible at this time because of weather conditions, and a decision on this application was therefore deferred.

RESOLUTION: C of A: 10:01:13

Moved by: R. Phillips

Seconded by: W. Robinson

**THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-63-09-B by Anne Bonwill Barton & James Barton, concession 17, lot 2, Opinicon Lake, District of Bedford, to create a waterfront lot, pending receipt of a report from Public Health.**

Carried

**Item #11: S-65-09-P (W. & M. Babcock)**

In Attendance: Glenn & Ann Babcock, agents

**Discussion**

The subject lands consist of 47.2+/- acres with frontage on Quinn & Yarker Roads, District of Portland, and are developed with a single family dwelling and garage. The applicant is proposing to sever a 45.2+/- acre parcel as a lot addition to a developed property at 3786 Yarker Road. There have been no objections to the application.

RESOLUTION: C of A: 10:01:14

Moved by: L. Redden

Seconded by: W. Robinson

**THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-65-09-P by Wilfred & Mavis Babcock, concession 2, lot 8, Quinn & Yarker Roads, District of Portland, to create a lot addition to a residential lot, subject to conditions.**

Carried

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<b>Application No:</b>	S-65-09-P
<b>Applicant:</b>	Wilfred & Mavis Babcock
<b>Location of Property:</b>	Concession 2, Lot 8, District of Portland, Township of South Frontenac
<b>Purpose of Application:</b>	Create lot addition
<b>Date of Hearing:</b>	February 11, 2010
<b>Date of Decision:</b>	February 11, 2010

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

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**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-65-09-P shall be for a 45.2+/- acre lot addition only to property at 3786 Yarker 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. 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.)**
- 5. 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.**
- 6. 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 #12: S-66-09-P (B. Babcock)**

In Attendance: Benson Babcock

**Discussion**

The subject lands consist of 43.7+/- acres with frontage on Holleford and Trousdale Roads, District of Portland, and are vacant. The applicant is proposing to sever a 3.7+/- acre parcel as a residential lot. Because a report had not been received from Public Health, a decision on the application was deferred.

RESOLUTION: C of A: 10:01:15

Moved by: L. Redden

Seconded by: W. Robinson

**THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-66-09-P by Benson Babcock, concession 3, lot 4, Hoileford Road, District of Portland, to create a 3.7+/- acre residential lot, pending receipt of a report from Public Health.**

Carried

**Item #13: S-01-10-S (Mahon Equipment)**

In Attendance: David Craig, agent

Discussion

The subject lands consist of 7+/- acres on the north side of Davidson Road, Storrington District. The applicant is proposing to sever a 1+/- acre lot addition to the property of Mobile Kitchens Canada, to provide the necessary setbacks for the commercial development which is currently operating on the site. This application was approved in 2008; however, the deadline for stamping of the deed was not met and the provisional consent therefore lapsed. Both the lot addition and the parcel to be enlarged are zoned Urban Commercial. There have been concerns expressed by two neighbouring property owners (Carl O'Neil, Kyle Leeder) both of whom were in attendance, about drainage problems on their properties which they believe result from the commercial development. A condition has been included which requires that the Public Works Manager review the drainage issue, and that any required remedial work be carried out prior to the stamping of the deeds.

There was also concern expressed about the need for fencing now that large trucks and equipment are so close to residential uses. Mr. Craig agreed to meet with the neighbours to discuss additional buffering between the commercial activities and residential uses.

RESOLUTION: C of A: 10:01:16

Moved by: L. York

Seconded by: L. McCullough

**THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-01-10-S by Mahon Equipment Ltd., concession 2, lot 19, Davidson Road, District of Storrington, to create a lot addition to an existing commercial lot, subject to conditions.**

Carried

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<b>Application No:</b>	S-01-10-S
<b>Applicant:</b>	Mahon Equipment Ltd.
<b>Location of Property:</b>	Concession 2, Lot 19, District of Storrington, Township of South Frontenac
<b>Purpose of Application:</b>	Create lot addition
<b>Date of Hearing:</b>	February 11, 2010
<b>Date of Decision:</b>	February 11, 2010

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

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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-01-10-S shall be for a 1+/- acre lot addition only to property at 3790 Davidson 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. **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.)**
  5. **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.**
6. **The Public Works Manager shall confirm that appropriate drainage has been established on the property.**
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 #14: S-02-10-L (Desert Lake Family Resort)**

In Attendance: Bill Pedersen, agent

**Discussion**

The subject lands consist of 3.9+/- acres on the south side of Desert Lake Road, Loughborough District. The applicant is proposing to sever a .73+/- acre lot addition to an adjacent 2.7 acre parcel which is part of the Recreational Resort Commercial property of Desert Lake Resort. The intent is to reconfigure the camp sites (no additional sites to be added), and to install a new sewage disposal system. Approval has been granted for the sewage system. Concern has been expressed by neighbouring property owners (Cheryl Latour & John Steven who were present at the meeting) about the potential for any enlargement of the campground or moving of campsites closer to residential uses. This relates largely to concern about noise from this area of the resort and also from the main resort buildings. Mr. Pedersen indicated that he would meet with the concerned residents to deal with the noise issue since Desert Lake Resort wants to be a good neighbour.

RESOLUTION: C of A: 10:01:27

Moved by: L. McCullough

Seconded by: L. York

**THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-02-10-L by Desert Lake Resort, concession 13, lot 4, Desert Lake Road, District of Loughborough, to create a lot addition to an existing recreational resort commercial lot, subject to conditions.**

Carried

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<b>Application No:</b>	S-02-10-L
<b>Owner:</b>	Desert Lake Family Resort
<b>Location of Property:</b>	Concession XIII, Lot 4, Desert Lake Road, District of Loughborough, Township of South Frontenac
<b>Purpose of Application:</b>	Creation of lot addition
<b>Date of Hearing:</b>	February 11, 2010
<b>Date of Decision:</b>	February 11, 2010

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

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**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-02-10-L shall be for a .73+/- acre lot addition only to property identified as part 2 on Plan 13R-16291. 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. 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.)
5. 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.
  6. 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.
7. The applicant shall enter into a site plan agreement with the municipality which identifies the location of all proposed campsites within the enlarged parcel.

**Item #15: S-03-10-L (Nickel)**

In Attendance: Karen & Curtis Nickel

Discussion

The subject lands consist of 17.5+/- acres with frontage on Bell Road, Nature Lane and Knowlton Lake, District of Loughborough. There are two dwellings on the property – the principal dwelling near Bell Road, and a secondary dwelling on the parcel to be retained. Approval of this severance would result in one dwelling per lot. The retained parcel would have over 300 ft. of water frontage and would be 3+/- acres in size. The property is currently zoned Residential Waterfront – the severed parcel will need to be rezoned to Rural, and the retained parcel to RLSW.

A Public Health report was not available for this meeting because of weather conditions, resulting in the application being deferred. The application was sent to the CRCA because the proposal would result in the creation of a 3+ acre waterfront lot – in this case, the retained parcel – although this parcel is already developed with a dwelling and accessory building. The CRCA forwarded the application to MOE because Knowlton Lake is a highly sensitive lake trout lake. The report from CRCA indicated no objection to the proposal.

RESOLUTION: C of A: 10:01:18

Moved by: L. McCullough

Seconded by: L. York

**THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-03-10-L by Karen Nickel, concession 9, part lots 1 & 2, Knowlton Lake, District of Loughborough, to create a residential lot with existing dwelling, pending receipt of a report from Public Health.**

Carried

**Item #16: MV-16-09-S (Best)**

In Attendance: Burt Hudson, agent

Discussion

The applicant's property consists of approximately .97 acres located on Beacon Point Lane, Cranberry Lake. The applicant is proposing to construct a 1280+/- sq. ft. dwelling to be located 50 ft. from the high water mark. A variance was approved on this property several years ago, but was valid only in relation to the zoning by-law of that time, and not to our current zoning by-law. The property has a trailer with a deck, and shed.

The CRCA does not object to the variance, and Public Health has issued a permit for a new sewage disposal system.

The applicant will need to provide a deposit and obtain approval from Council in order to retain the existing trailer on the property during construction of a dwelling.

RESOLUTION: C of A: 10:01:19

Moved by: J. Moreland

Seconded by: L. York

**THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-16-09-S by Wendy Best, concession 11, part lots 35 & 36, Cranberry Lake, District of Storrington, to permit construction of a dwelling within 30m of the high water mark, subject to conditions.**

Carried

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<b>Application No:</b>	MV-16-09-S
<b>Owner:</b>	Wendy Best, Lawrence Wolfe
<b>Location of Property:</b>	Pt. Lots 35 & 36, Concession 11, District of Storrington, Township of South Frontenac
<b>Purpose of Application:</b>	To vary section 5.8.2 and 10.3.1 of the Comprehensive Zoning By-law to permit erection of dwelling within 30m of high water mark
<b>Date of Hearing:</b>	February 11, 2010
<b>Date of Decision:</b>	February 11, 2010

**DECISION: VARIANCE GRANTED, subject to conditions**

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**CONDITIONS:**

- The variance is limited to construction of a 1 ½ storey dwelling with a maximum footprint of 1280 sq. ft., and a 32' x 11.8' ft deck, to be located a minimum of 50 ft. from the high water mark of Cranberry Lake.**
- Minor variance MV-01-10-S is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.**
- A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.**
- The applicant shall enter into a site plan agreement with the Township, to be registered on title to the property, which includes the municipality's environmental and limited service policies, and which requires that written approval be obtained from Parks Canada – Rideau Canal Office for any shoreline and in-water works on the property, and that a permit be obtained from the Cataraqui Region Conservation Authority prior to any development on the property within 50m of the shoreline.**

**REASON FOR DECISION:** The variance has been approved by staff and agencies, and the proposal is considered to meet the intent of the official plan and zoning by-law.

**Item #17: MV-01-10-S (Aldridge)**

In Attendance : James Aldridge Sr., James Aldridge Jr., R. Stoller, agent

**Discussion**

The applicant's property consists of approximately 10 acres located on Stafford Lane, Cranberry Lake. The applicant is proposing to construct an 800+/- sq. ft. building to be located 80 ft. from the high water mark. (Planning staff measurements indicate that the structure would actually be 68 ft. from the HWM). There are currently a dwelling and two sheds located on the property.

The CRCA does not object to the addition, and Public Health has issued a permit for a new sewage disposal system.

The owner has indicated that he wishes to build the addition in order to provide living accommodation for his parents. It was pointed out by staff that if the addition is intended to be a full in-law suite – i.e. a second dwelling unit – then a rezoning would be required. It was explained that it is primarily a separate kitchen which defines a separate dwelling.



RESOLUTION: C of A: 10:01:20

Moved by: L. York

Seconded by: L. McCullough

**THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-01-10-S by James & Carol Anne Aldridge, concession 11, part lot 34, Cranberry Lake, District of Storrington, to permit construction of an addition to a dwelling within 30m of the high water mark, subject to conditions.**

Carried

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<b>Application No:</b>	MV-01-10-S
<b>Owner:</b>	James & Carol Anne Aldridge
<b>Location of Property:</b>	Pt. Lot 34, Concession 11, Cranberry Lake, District of Storrington, Township of South Frontenac
<b>Purpose of Application:</b>	To vary section 10.3.1 of the Comprehensive Zoning By-law to permit development within 30m of high water mark
<b>Date of Hearing:</b>	February 11, 2010
<b>Date of Decision:</b>	February 11, 2010

**DECISION: VARIANCE GRANTED, subject to conditions**

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**CONDITIONS**

1. **The variance is limited to construction of an addition with a maximum footprint of 900 sq. ft. (including decks) to be located a minimum of 68 ft. from the high water mark of Cranberry Lake.**
2. **Minor variance MV-01-10-S is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.**
3. **A building permit is required for all demolition and construction, including any existing construction for which a permit has not already been obtained. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.**
4. **The applicant shall enter into a site plan agreement with the Township, to be registered on title to the property, which includes the municipality's environmental and limited service policies.**
5. **Approval of this variance does not constitute approval for the location of a second dwelling on the property unless the applicant obtains the necessary zoning relief from the Township of South Frontenac.**

**REASON FOR DECISION:** The variance has been approved by staff and agencies, and the proposal is considered to meet the intent of the official plan and zoning by-law.

**Item #19: MV-02-10-S (Labrie/Gregg)**

In Attendance: Jean-Claude Labrie, Heather Gregg

Discussion

The applicant's property consists of approximately .96 acres located on North Shore Road and Loughborough Lake. Because this property has frontage on a public road, the road is identified as the front lot line according to the Township's zoning by-law. The applicant is proposing to construct a 440+/- sq. ft. accessory building, 20 ft. from the front lot line. The setback from the high water mark is not an issue. The structure is not expected to appear out of place on the lot.

RESOLUTION: C of A: 10:01:21

Moved by: L. York

Seconded by: L. McCullough

**THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-02-10-S by Jean-Claude Labrie & Heather Gregg, concession 11, part lot 8, North Shore Road, District of Storrington, to permit construction of an**

accessory building closer to the front lot line than the principal building, subject to conditions.

Carried

<b>Application No:</b>	MV-02-10-S
<b>Owner:</b>	Jean-Claude Labrie, Heather Gregg
<b>Location of Property:</b>	Pt. Lot 8, Concession 11, District of Storrington, Township of South Frontenac
<b>Purpose of Application:</b>	To vary section 5.24.2 the Comprehensive Zoning By-law to permit construction of accessory building in front of principal building
<b>Date of Hearing:</b>	February 11, 2010
<b>Date of Decision:</b>	February 11, 2010
<b>DECISION:</b>	<b>VARIANCE GRANTED, subject to conditions</b>

**CONDITIONS:**

1. The variance is limited to construction of a 20 ft. x 22 ft. garage, to be located a minimum of 20 ft. from the front lot line.
2. Minor variance MV-02-10-S is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
3. A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.

**REASON FOR DECISION:** The variance has been approved by staff and agencies, and the proposal is considered to meet the intent of the official plan and zoning by-law. The proposed accessory building will be well screened from the road, and the location is appropriate for development on the site.

**Item #19: Adjournment & Next Meeting**

RESOLUTION: C of A: 10:01:22

Moved by: W. Robinson

Seconded by: L. Redden

**THAT the February 11, 2010 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 8:10 p.m. to reconvene at 7:00 p.m. on Thursday, March 11<sup>th</sup>, 2010, or at the call of the Chair.**

Carried

  
Ron Vandewal, Chairman

  
Lindsay Mills, Secretary-Treasurer