

CROWE VALLEY WATERSHED ADVISORY BOARD HEARING
Virtual Meeting via Google Meet
15 June 2023

MINUTES

MEMBERS PRESENT:

Michael Metcalf	Municipality of Trent Hills
Jim Martin	Havelock-Belmont-Methuen Townships
Jan O'Neill	Municipality of Marmora and Lake
Colin McLellan	Township of North Kawartha
John O'Donnell	Municipality of Faraday
Paul Ordanis	Wollaston Township
Jerry Chadwick	Tudor & Cashel Township

MEMBERS ABSENT:

Dean Graff	Stirling-Rawdon Township
Kim Carson	Limerick Township
Dave Burton	Municipality of Highlands East

ALSO PRESENT:

Tim Pidduck, General Manager/Secretary Treasurer, CVCA
Amanda Donald, Recording Secretary, CVCA
Beth Lowe, Regulations Officer, CVCA
Kathleen Kinch, Applicant's Lawyer
Jenna Khouy-Hanna, Applicant's Lawyer
Bob Clark, Applicant's Planning Consultant
Henry Balaban & Ophira Sutton, Applicants
Arpit Jain, Applicant
Jennifer Savini, Templeman Menninga, CVCA's Lawyer

CALL TO ORDER

The Chair, Jim Martin, called the meeting to order at 10:02am.

LAND ACKNOWLEDGEMENT

Jim Martin read a land acknowledgement thanking generations of Indigenous people who have taken care of the land for thousands of years before us.

APPROVAL OF AGENDA

FA Motion H 04/23

Moved by: Colin McLellan

Seconded by: Jerry Chadwick

To approve the Watershed Advisory Hearing agenda as circulated.

Carried.

WELCOME

Jim Martin welcomed the Board, staff, applicants and members of the public to the Watershed Advisory Hearing.

HEARING #1 – Permit 188/22

CHAIR'S OPENING REMARKS

The Chair, Jim Martin, informed the Watershed Advisory Hearing Board that a Hearing under Section 28 of the *Conservation Authorities Act* will now be held with respect to Mr. Arpit Jain & Mr. Manav Manav for permission to construct a new duplex and septic system within the setback of the floodplain of Paudash Lake and within the setback of a wetland less than 2 hectares and within the setback of the Inlet Bay – Eastern Paudash Lake Provincially Significant Wetland.

Chair Jim Martin gave the opening remarks as outlined in the hearing guidelines with respect to Ontario Regulation 159/06 and reviewed the procedure of the Hearing.

CONFLICT OF INTEREST

None Declared.

STAFF REPORT – BETH LOWE

Beth Lowe reviewed the application for a proposed new duplex and septic within the setback of the floodplain of Paudash Lake, within the setback of a wetland less than 2 hectares and within the setback of a Provincially Significant Wetland (PSW). She reviewed the timeline of the application informing the Board in November 2019 the CVCA Watershed Advisory Board approved the same permit for the same property with the previous owners and granted a 5-year extension for the permit. Beth reminded the Board permits are not transferrable so since the property sold the new owners needed to apply for a new permit which staff denied as it does not meet CVCA policy.

Beth reviewed the proposed development to include a new duplex, ground level patio and a septic system. She informed the Board the CVCA policies do not permit new development within 6 meters from the 1:100-year floodplain and reviewed the setback distances with the Board and the site plan.

The staff recommendation is to deny the permit application since the proposed project does not comply with CVCA's Watershed Planning and Regulations Policy Manual for development on vacant lands. The proposed development is within the setback of the floodplain of Paudash Lake, within the setback of a wetland less than 2 hectares, and within the setback of a PSW.

The Board asked about the previous Board approval of the permit and if there was a building envelope outside of the setbacks. Beth confirmed the previous Board approved the permit in 2019 and there is no building envelope outside of the setback on this property.

APPLICANT REPORT – Arpit Jain

Mr. Arpit Jain informed the Board the permit application is identical to the previous one approved by the Board, the only difference is the change in ownership of the property. Mr. Jain is requesting the Board approve the same permit with the 5-year extension which the previous land owner was granted.

The Board asked the applicant if they plan to rent the property out. Mr. Jain informed the Board they have no plans to rent the property at this time. The duplex is for the two families who own the property. The Board asked how much the decision of the previous Board effected their decision to purchase the property. Mr. Jain informed them that is the main reason they purchased the property and they did not know at the time the permit is not transferrable. There was some discussion on the land use of neighboring properties and timelines for expiration of Environmental Impact Study (EIS).

BOARD DELIBERATIONS

The Board discussed conditions that could be placed on the permit should the permit be approved.

FA Motion H 05/23

Moved by: John O'Donnell

Seconded by: Colin McLellan

That permit 188/22 for Mr. Arpit Jain be approved with the same conditions as the previous approval and an additional condition of shoreline improvements being implemented.

Carried.

HEARING #2 – Permit 028/21

CHAIR'S OPENING REMARKS

The Chair, Jim Martin, informed the Watershed Advisory Hearing Board that a Hearing under Section 28 of the *Conservation Authorities Act* will now be held with respect to Ms. Ophira Sutton for permission to reconstruct a collapsed in-water boathouse along the shoreline and over the lakebed of Kasshabog Lake.

Chair Jim Martin gave the opening remarks as outlined in the hearing guidelines with respect to Ontario Regulation 159/06 and reviewed the procedure of the Hearing.

CONFLICT OF INTEREST

None.

STAFF REPORT – BETH LOWE

Jennifer Savini informed the Board she is attending as legal council for CVCA and to answer any questions the Board may have during the hearing.

Beth Lowe reviewed the hearing process with the Board. Beth reviewed the proposed permit for reconstruction and expansion of a collapsed in-water boathouse on Kasshabog Lake. Beth reviewed the timeline for the permit and planning file and Ontario Land Tribunal (OLT) decision conditional on CVCA approval.

Beth informed the Board the existing in-water boathouse is 246 square feet and reviewed other development currently on the property. She reviewed photos of the collapsed boathouse. Beth reviewed the proposed 416 square feet in-water boathouse site plans with the Board.

The proposed reconstruction of the in-water boathouse does not meet CVCA policy since the existing boathouse has collapsed and CVCA staff consider the boathouse to be derelict. CVCA Watershed Planning and Regulations Policies also do not permit expansion of in-water boathouses. Beth informed the Board the permit application is recommended to be denied because it does not conform with CVCA's Watershed Planning and Regulations Policies for development within the flood hazard.

There was some discussion and questions on repairing the existing boathouse, the definition of derelict and if there are any examples of decisions made with similar situations.

APPLICANT REPORT

Ms. Kat Kinch introduced herself and the other people in attendance for today's meeting. Ms. Kinch explained she is here on behalf of Ophria Sutton to request the Board approve permit 028/21 with a modest increase in size to the in-water boathouse reconstruction. She reviewed photos of the boathouse prior to its collapse and after, stating the boathouse even though is in need of repair is still storing a boat and has not been abandoned by its owners. A detailed timeline and explanation of doctrine of legitimate expectations was presented to the Board. Ms. Kinch reviewed CVCA policies that pertain to the permit application and referred to the policy as a two prong test of derelict and abandoned. There were clear findings in the OLT hearing the boathouse has not been abandoned and continues to be functioning today as it is still housing a boat.

Mr. Bob Clark, the planning consultant for the applicant, informed the Board the proposal is an example of good planning. He referred to the OLT decision to approve the expansion. He explained the change in water levels is less than a meter and there will be no changes to the shoreline. The expansion is needed to house a small pontoon boat.

BOARD DELIBERATIONS

There was some discussion on derelict definition, the two prong test of derelict and abandoned, the size of the expansion of 72% of the original size being more than a modest expansion and displacement of water being insignificant as the inside of the boathouse is vacant space which would have minimal effect on the flood hazard. There was also some discussion on the reconstructed boathouse displacing less water than the current collapsed boathouse.

FA Motion H 06/23

Moved by: Colin McLellan

Seconded by: Michael Metcalf

That permit 028/21 for Ms. Ophira Sutton be approved.

Carried.

ADJOURNMENT

Motion H 07/23

Moved by: Colin McLellan

Seconded by: Jan O'Neill

That the Watershed & Advisory Board Hearing Meeting be adjourned at 12:11pm.

Carried.

Amanda Donald
Recording Secretary

Jim Martin
Chair