

**CROWE VALLEY WATERSHED ADVISORY BOARD HEARING**  
**Virtual Meeting via Google Meet**  
**21 March 2024**

**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
Jeremy Solmes	Stirling-Rawdon Township
Paul Ordanis	Wollaston Township
Jerry Chadwick	Tudor & Cashel Township

**MEMBERS ABSENT:**

Dave Burton	Municipality of Highlands East
Kim Carson	Limerick Township

**ALSO PRESENT:**

Tim Pidduck, General Manager/Secretary Treasurer, CVCA  
Amanda Donald, Recording Secretary, CVCA  
Kelsey Davidson, Regulations Officer, CVCA  
Andrew McIntyre, Regulations Officer, CVCA  
Eli Bordman, Gardiner Roberts, CVCA Lawyer  
William Burmeister, EXP Consultants  
Brian Facey, Applicant  
Mark Pederson, Legal Counsel for Applicant  
Elliott Fledderus & Bryon Keene, Engineers from Jewel Engineering  
Scott Stewart, Contractor for the Applicant

**CALL TO ORDER**

The Chair, Jim Martin, called the meeting to order at 9:35am.

## **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 01/24**

Moved by: Michael Metcalf

Seconded by: Colin McLellan

Eli Bordman presented proposed revisions to the agenda including an In Camera session for the Board to discuss the proposed application, a couple of breaks, and an opportunity for CVCA staff to reply to applicant presentation. It was noted no staff other than the Recording Secretary or legal counsel will be present during the In Camera sessions.

To approve the Watershed Advisory Hearing agenda as amended.

Carried.

## **WELCOME**

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

## **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. Brian Facey application for permission to reconstruct a dwelling and deck within the floodplain of Crowe 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 Declared.

## **STAFF REPORT – KELSEY DAVIDSON**

Kelsey Davidson gave a presentation to the Board outlining the location, background and timeline of the property, the proposed development in the floodplain of Crowe Lake, the policies the proposed project does not comply with, and the recommendation to deny the application.

Kelsey informed the Board the proposed application is to construct a new dwelling and deck within the floodplain of Crowe Lake that exceeds the allowable size increase and fill placement in the floodplain to change the grade to create a building envelope for the proposed dwelling. The existing development on the lot was reviewed. Kelsey informed the Board the proposed new dwelling is an increase of 263% and the proposed deck is an increase of 173% larger than the existing. Drawings of the proposed dwelling, deck and placement of fill were reviewed with the Board.

Kelsey recommended the application be denied because it does not conform with CVCA policy requirements. The policy does not allow new development within the floodplain, it does not allow fill placement or grade changes to create a building envelope, and the development will have an effect on the control of flooding.

There were no questions from the Board.

### **FA Motion H 02/24**

Moved by: Jerry Chadwick

Seconded by: Colin Mclellan

To receive CVCA staff report regarding permit application 080/23.

Carried.

## **APPLICANT REPORT – Mr. Mark Pederson**

Mr. Pederson gave a presentation to the Board reviewing the location of the property and discussing the negative impact of flooding on Crowe Lake that would be negligible according to the engineer's report that was circulated with the agenda package. He reviewed timelines and emails from Kelsey with the Board. He discussed the legislation and the engineers report stating there would be no impact on flooding which would justify approving the application.

Elliott Fledderson from Jewel engineering providing information on how the report was developed and reviewed calculations that were used to determine there would be no negative impacts to flood control on Crowe Lake if the proposal was approved.

Bryon Keene from Jewel engineering discussed the cumulative impact on the lake should the proposal be approved.

Mr. Pederson reviewed the regulations which states no development in the floodplain unless it can be proved there would be no effect on the control of flooding, which is proven in the engineer's report.

There were some questions and discussion on the impacts of the entire Crowe Valley watershed not just on Crowe Lake and the impacts on neighboring properties.

### **FA Motion H 03/24**

Moved by: Jan O'Neill

Seconded by: Colin McLellan

To have a 10-minute recess and resume meeting at 11:35am.

Carried.

The meeting was called back to order at 11:40am.

Mr. Bryon Keene was permitted to provide answers to the Board regarding the cumulative impact over the entire CVCA watershed.

Mr. Eli Bordman clarified the applicable section of the *Conservation Authorities Act* and regulation for the Board informing them it is not mandatory to approve a permit for development in the floodplain if reports state there will be no impact to the control of flooding. Eli also reminded the Board of future liability and of setting precedent and trends for future applications.

## **CVCA REBUTAL**

Andrew McIntyre discussed the potential of setting precedent by approving this application. He informed the Board he is currently working on an application where the applicants are referring to a decision the Board made at previous hearing. Andrew touched on the cumulative impact of the whole watershed and reminded the Board every year CVCA receives anywhere from 250 – 300 applications which increases the cumulative impacts of the whole watershed.

### **FA Motion H 04/24**

Moved by: Colin McLellan

Seconded by: Jan O'Neill

That the Watershed Advisory Hearing move to In Camera session to discuss further questions for the applicant and CVCA staff.

Carried.

### **FA Motion H 05/24**

Moved by: Jan O'Neill

Seconded by: Jerry Chadwick

That the Watershed Advisory Board move to open session.

Carried.

### **FA Motion H 06/24**

Moved by: Colin McLellan

Seconded by: Jerry Chadwick

That the Watershed Advisory Hearing resume 12:03pm.

Carried.

The Board asked several questions regarding the impact of the control of flooding and asked questions to William Burmeister the engineer from EXP who conducted the peer review on the report from Jewel.

**FA Motion H 07/24**

Moved by: Colin McLellan

Seconded by: Michael Metcalf

That the Watershed Advisory Hearing Board move In Camera for deliberations for Permit 080/23.

Carried.

**FA Motion H 08/24**

Moved by: Jan O'Neill

Seconded by: Paul Ordanis

That the Watershed Advisory Hearing Board move to open session.

Carried.

**FA Motion H 09/24**

Moved by: Jeremy Solmes

Seconded by: Mike Metcalf

To resume the Watershed Advisory Hearing at 12:29pm.

Carried.

**FA Motion H 10/24**

Moved by: Jerry Chadwick

Seconded by: Paul Ordanis

To approve decision made during the In Camera session.

Carried.

**FA Motion H 11/24**

Moved by: Jerry Chadwick

Seconded by: Paul Ordanis

To approve permit application 080/23.

Carried.

**ADJOURNMENT**

**Motion H 12/24**

Moved by: Colin McLellan  
Seconded by: Paul Ordanis

That the Watershed & Advisory Board Hearing Meeting be adjourned at 12:31pm.

Carried.

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Amanda Donald  
Recording Secretary

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Jim Martin  
Chair

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