

REGULAR COUNCIL AGENDA

C-17/2019 - Regular Council

Monday, October 21, 2019

5:30 PM

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

Doors will be open to the public at 5:15 pm. If you require any accommodation for a disability in order to attend and participate in meetings or events, please contact the Office of the Clerk at 905 892-2607, ext. 315 or 320. All cell phones, pagers, radios, etc. shall be switched off, set to non-audible, or muted upon entry to the Council Chamber. Taping and/or recording of meetings shall only be permitted in accordance with the Procedure By-law. Rules of Decorum apply to observers.

Pages

1. **Call to Order and Declaration of Quorum**
2. **Singing of National Anthem**
3. **Approval of Agenda**
4. **Disclosure of Pecuniary Interests and General Nature Thereof**
5. **Hearing of Presentation, Delegations, Regional Report**

5.1 Presentations

5.1.1 Presentation: Town of Pelham Website Re-Launch

Communications and Public Relations Specialist, Marc MacDonald

5.1.2 Inter-Municipal Transit

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	2. Being a by-law to authorize the execution of a condominium agreement with Aiva Properties Ltd. and the Corporation of the Town of Pelham - Fonthill Yards	

15. Motions and Notices of Motion
16. Matters for Committee of the Whole or Policy and Priorities Committee
17. Matters Arising Out of Committee of the Whole or Policy and Priorities Committee
18. Resolution to Move in Camera
19. Rise From In Camera
20. Confirming By-Law 89 - 89
21. Adjournment



MOVING TRANSIT FORWARD

Presentation to Town of Pelham | Council

October 21, 2019

CONNECTING MORE PEOPLE TO MORE POSSIBILITIES

Agenda

- IMTWG Milestones
- IMTWG Workplan
- IMT West Expansion
- IMT West Deployment Options
- On-Demand Benefits
 - Providers
 - Users
- Linkages to Local Transit
- Next Steps



Inter-Municipal Transit (IMT)

- Routes travelling between municipalities
- Primarily provided by Region (non-exclusive)
- 'Hub-to-hub' connections

Niagara Region Transit (NRT)

- Operates defined IMT service
- 700,000 riders/year
- 135,000 revenue service hours
- 28 fleet vehicles
- Service delivery contracted by Region to local transit providers (WL, STC, NF)

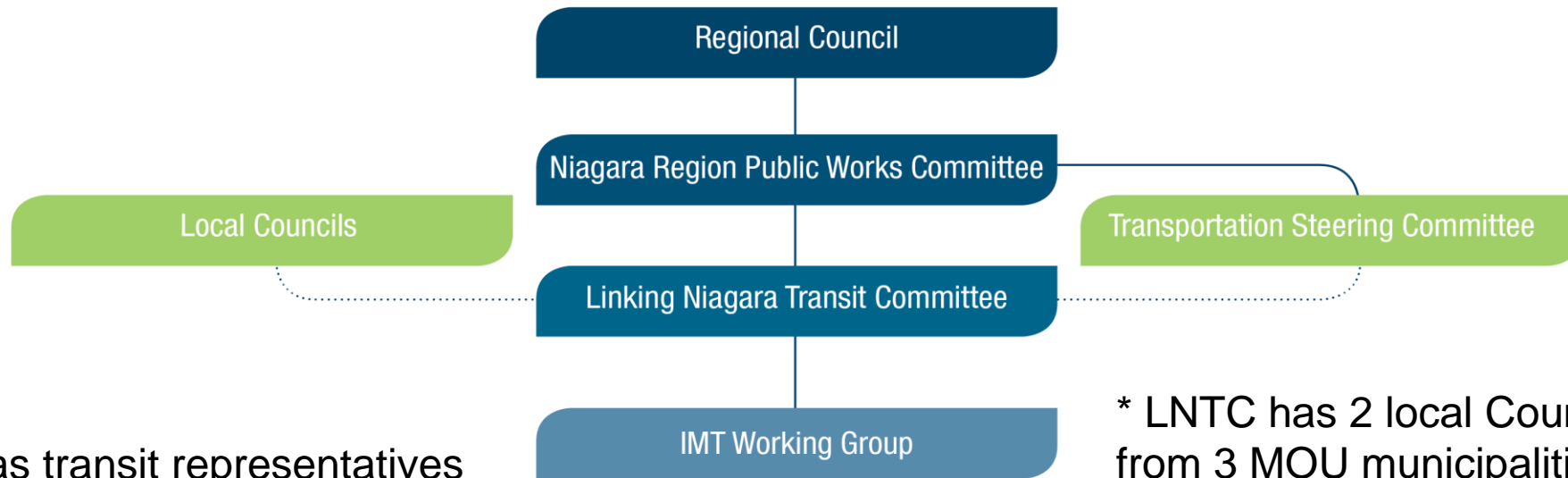


Key IMT Milestones

2011-2017	NRT IMT pilot service
Feb. 2017	<i>Niagara Transit Service Delivery and Governance Strategy Report</i> (Dillon Consulting, “Dillon Report”)
June 2017	Unanimous ‘triple majority’ achieved
Dec. 2017	Unanimous transit MOU (STC/NR/NF/WE)
May 2018	Unanimous 3-year ext. of NRT service
Sept. 2018	IMT Service Implementation Strategy approved by PWC
Feb. 2019	Regional Budget: historic investments (separate 1.4% levy)
Sept. 2019	Significant service hour increase; now ~135,000 hours/year



IMT Reporting Structure



* IMTWG has transit representatives from all 13 municipalities

* LNTC has 2 local Council members from 3 MOU municipalities + 4 Regional Councillors (10 total members)

Working Together: What We've Achieved

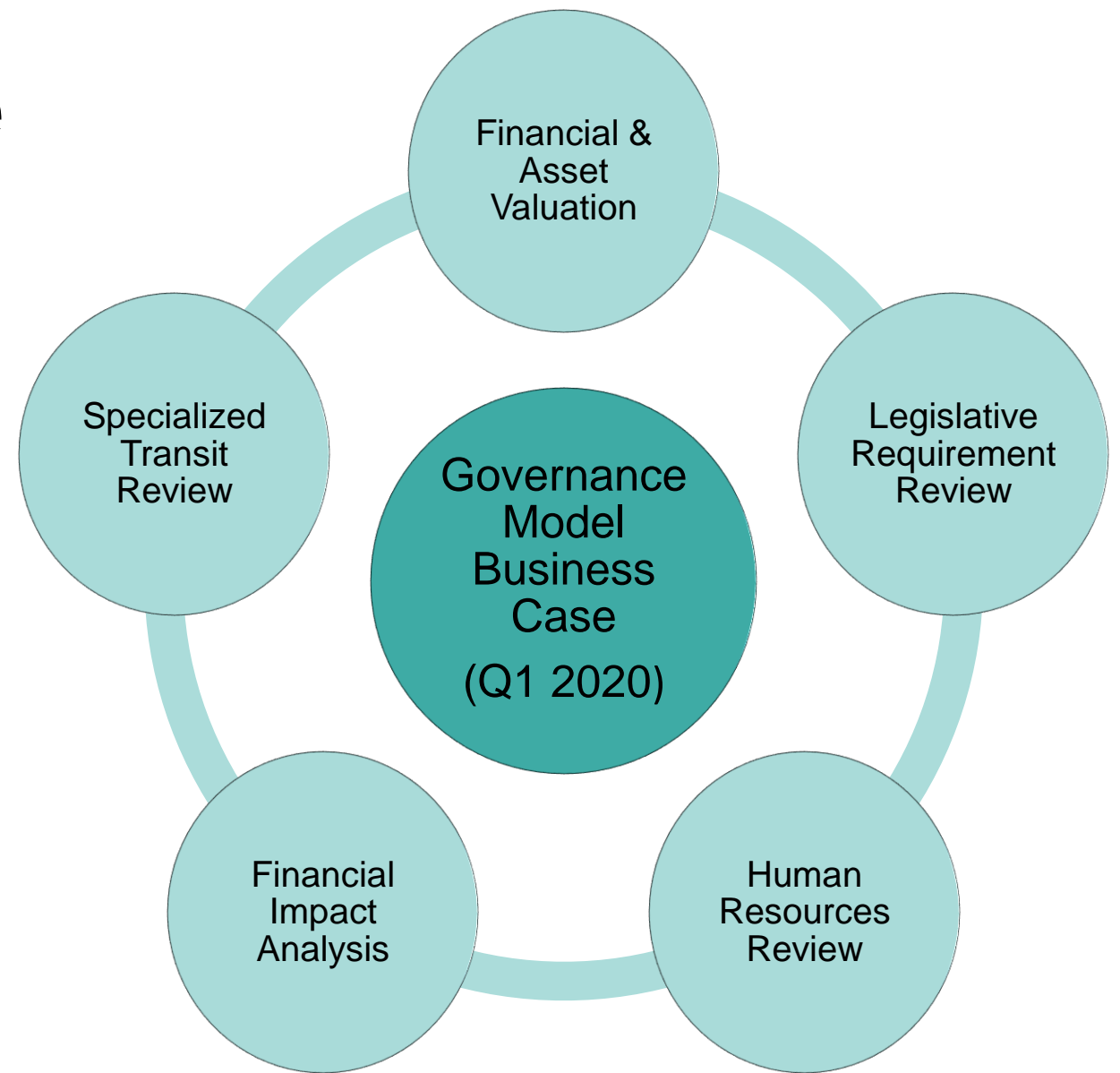
LNTC/IMTWG focused on customer-facing system improvements:

- 3-year NRT operating extension – now 'permanent' service with triple majority
- Post-secondary student union contracts (U-Pass agreements)
- Substantial NRT service enhancements – New Pelham Connection!
- A single mobile platform
- Common Customer Service Policies
- Distinct route numbers to avoid customer confusion
- Integrated on-board technology to single provider
- Consolidated after hours customer service provider
- “Moving Transit Forward” public awareness campaign



Transit Governance

- Initiated October 2019
- CAO Working Group leading – direct report to LNTC
- Consultants: Optimus SBR + Left Turn, Right Turn
- Business Case complete Q1 2020

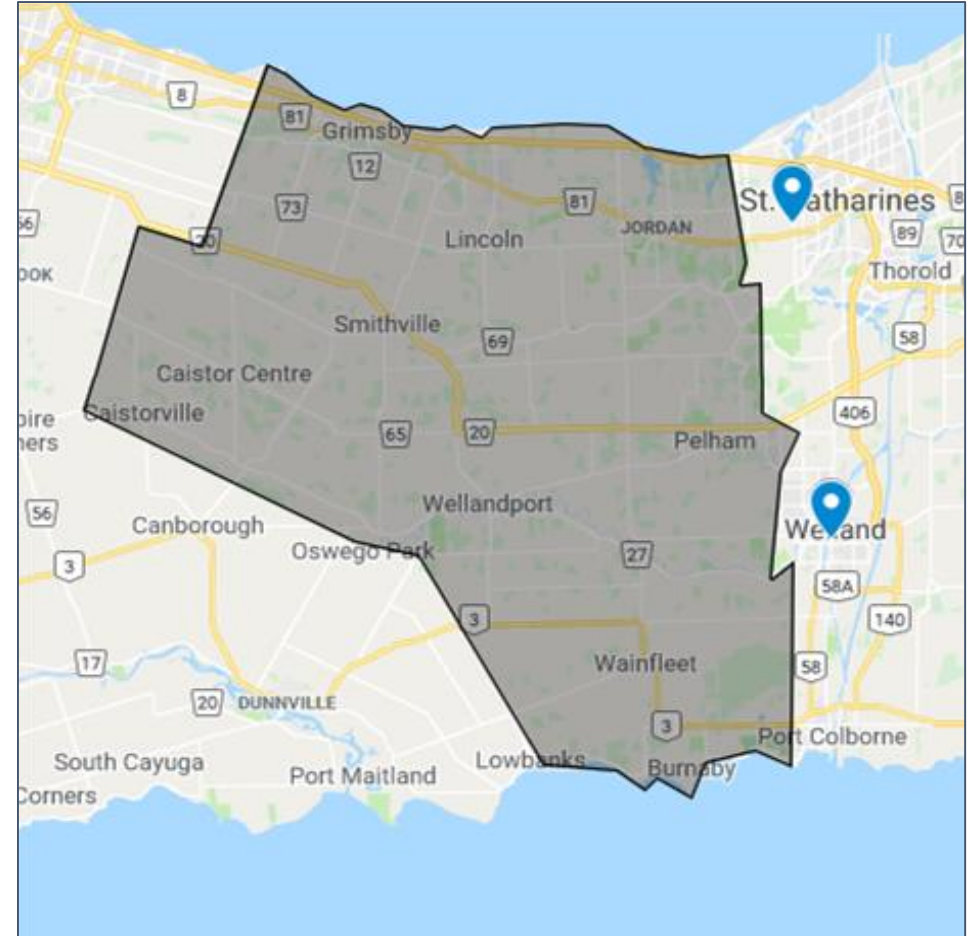


Moving Transit Forward: Where We're Going

- Rationalization of remaining duplicate IMT post-secondary routes (2019) ✓
- Upload of Port/Fort Link routes to Region (2019) ✓
- Introduce new West Niagara transit connection (2020)
- Pilot dynamic transit services for low-demand areas (2020)
- Improved connections to GO Train service (2020)
- New or enhanced amenities such as Wi-Fi, bus shelters, etc. (2020)
- Sunday and Holiday Service (2020)
- Options for integrated customer call centre
- Harmonized fare structure; integrated mobile payment technology (2021)

IMT West Expansion

- Connectivity:
 - Existing transit network
 - GO Transit stations
- Seamless rider experience
- Identified in Regional budget for Q1 2020 deployment



IMT West Deployment Options

- Fixed Route
 - Point-to-point connections between urban centres and GO hubs
 - Limited daily trips
 - Smaller vehicles
- On-Demand
 - IMTWG coordinating modelling simulation – completion by Fall 2019
 - Variety of deployment strategies and service parameters including:
 - Areas of coverage
 - Types of vehicles used
 - Anticipated rider wait times
 - Connectivity to existing transit

On-Demand Benefits - Providers

- Flexible deployment strategies (scalable)
 - Software as a Service (SaaS) → Transportation as a Service (TaaS)
- Maximizes coverage areas
- Cost containment
- Significantly increased ridership
- Operating model flexibility
 - door to door / curb to curb / corner to corner
- Rapid Deployment
- Eliminates need for separate specialized transit service
- Worldwide proven deployment record
- Big Data

On-Demand Benefits - Riders

- Unique user profile
- Accessible vehicles
- Multiple booking options
 - Phone vs App
 - Date, time, location
- Inter-municipal connectivity
- Consistent pricing
- Real-time vehicle arrival information



Linkages to Local Transit

- Respect local transit investments
- Increased cost/service efficiencies through partnership
- Seamless inter-municipal connectivity
- Scalable – offers all-in option, or a phased approach
- Driving ridership and connectivity is the key focus
- Flexible deployment strategies

Next Steps



Questions?

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Director
GO Implementation Office
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Rob Salewytsch
Program Manager | Transit Services
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Meeting #: SC-34/2019 - Special Council
Date: Monday, September 30, 2019
Time: Immediately Following Committee
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Marvin Junkin
Mike Ciolfi
Bob Hildebrandt
Marianne Stewart
John Wink

Regrets Lisa Haun
Ron Kore

Staff Present David Cribbs
Nancy Bozzato
Jason Marr
Teresa Quinlin
Barbara Wiens
Brianna Langohr

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 8:53 p.m.

2. Approval of the Agenda

Moved By Mike Ciolfi
Seconded By John Wink

BE IT RESOLVED THAT the agenda for the September 30th, 2019 Special Meeting of Council be adopted as circulated.

Carried

Moved By Bob Hildebrandt
Seconded By John Wink

THAT the Rules of Procedure as contained in the Town of Pelham Procedural By-law, be suspended;

AND THAT the specified meeting curfew time of 9:00 p.m. be and is hereby waived;

AND THAT the remainder of the business listed on the agenda for this meeting continue to be considered until all matter have been concluded.

Carried

3. Disclosure of Pecuniary Interest and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

4. Resolution to Move in Camera

Moved By Bob Hildebrandt

Seconded By John Wink

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider the following:

1. 239(2)(b) personal matters about an identifiable individual, including municipal employees (d) labour relations or employee negotiations, and (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose

Carried

5. Rise From In Camera

Moved By Bob Hildebrandt

Seconded By John Wink

BE IT RESOLVED THAT Council adjourn the In Camera Session and that Council do now Rise With No Report

Carried

6. Confirming By-law

Moved By John Wink

Seconded By Bob Hildebrandt

BE IT RESOLVED THAT the following By-law be read a first, second and third time and passed:

Being a By-law No. 4162(2019) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Special Meeting held on the 30th day of September, 2019.

Carried

7. Adjournment

Moved By John Wink

Seconded By Bob Hildebrandt

BE IT RESOLVED THAT this Special Meeting of September 30 be adjourned until the next regular meeting scheduled for October 7, 2019 at 5:30 pm.

Carried

Mayor Marvin Junkin

Town Clerk, Nancy J. Bozzato

SPECIAL COUNCIL MINUTES

Meeting #: SC-35/2019 - Special Meeting of Council
Date: Monday, October 7, 2019, 4:30 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Marvin Junkin
Mike Ciolfi
Lisa Haun
Bob Hildebrandt
Marianne Stewart
John Wink

Regrets Ron Kore

Staff Present David Cribbs
Nancy Bozzato
Teresa Quinlin
Bob Lymburner
Jason Marr
Vickie vanRavenswaay

Other: C. Shedden, T. Wilson

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 4:30 pm

2. Approval of the Agenda

Moved By John Wink
Seconded By Lisa Haun

BE IT RESOLVED THAT the agenda for the October 7, 2019 Special Meeting of Council be adopted as circulated.

Carried

3. Disclosure of Pecuniary Interest and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

4. Resolution to Move in Camera

Moved By Bob Hildebrandt
Seconded By John Wink

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider the following:

Pursuant to Municipal Act Section 239(2)(c) - proposed or pending acquisition or disposition of land by the municipality; and 239(2)(f) - advice that is subject to solicitor-client privilege, including communications necessary for that purpose - Pending Land Sales Update

Carried

4.1 Information Report - Closed Session October 2, 2019, 2019-0102-Chief Administrator Officer

5. Rise From In Camera

Moved By Marianne Stewart

Seconded By Bob Hildebrandt

BE IT RESOLVED THAT Council adjourn the In Camera Session and that Council do now Rise With Report

Carried

Moved By Lisa Haun

Seconded By John Wink

BE IT RESOLVED THAT the Chief Administrative Officer be and is hereby authorized to undertake the directions provided during the In Camera meeting of October 7, 2019.

Carried

Moved By Mike Ciolfi

Seconded By Lisa Haun

BE IT RESOLVED THAT the following By-law be read a first, second and third time and passed:

Being a by-law to authorize the sale of Town-owned lands to Samer ElFashny In Trust for company to be Incorporated Without Personal Liability, or successors in title, the lands being described on Schedules A and B appended hereto; and to authorize the Mayor and Clerk to execute all necessary documents to complete the transaction.

Carried

6. Confirming By-law

Moved By Mike Ciolfi

Seconded By Lisa Haun

BE IT RESOLVED THAT the following By-law be read a first, second and third time and passed:

Being a By-law No. 4165(2019) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Special Meeting held on the 7th day of October, 2019.

Carried

7. Adjournment

Moved By Lisa Haun

Seconded By John Wink

BE IT RESOLVED THAT this Special Meeting of October 7, 2019 be adjourned until the next regular meeting scheduled for October 7, 2019 at 5:30 pm.

Carried

Mayor Marvin Junkin

Town Clerk, Nancy J. Bozzato

REGULAR COUNCIL MINUTES

Meeting #: C-16/2019 - Regular Council
Date: Monday, October 7, 2019
Time: 5:30 PM
Location: Town of Pelham Municipal Office - Council
Chambers
20 Pelham Town Square, Fonthill

Members Present: Marvin Junkin
Mike Ciolfi
Lisa Haun
Bob Hildebrandt
Marianne Stewart
John Wink

Regrets Ron Kore

Staff Present: Nancy Bozzato
Bob Lymburner
Marc MacDonald
Jason Marr
Teresa Quinlin
Vickie vanRavenswaay
Holly Willford

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:30

2. Singing of National Anthem

The National Anthem was observed by those present.

3. Approval of Agenda

Moved By Mike Ciolfi

Seconded By Lisa Haun

BE IT RESOLVED THAT the agenda for the October 7, 2019 Regular meeting of Council be adopted

_____ As circulated _____ As Amended

Carried

Amendment:

Moved By Mike Ciolfi

Seconded By Lisa Haun

THAT the Agenda be amended to include the following:

- 1. Council Report by Councillor Ciolfi, add Item No. 11.1; and**
- 2. Lawn Signs, add Item No. 13.1 as New Business.**

Carried

Moved By Mike Ciolfi

Seconded By Lisa Haun

**BE IT RESOLVED THAT the agenda for the October 7, 2019
Regular meeting of Council be adopted, as Amended**

Carried

4. Disclosure of Pecuniary Interests and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

5. Hearing of Presentation, Delegations, Regional Report

5.1 Tax Write-Off Under Municipal Act, Section 357 & 358

The owner of 952 Foss Road expressed his disappointment in only receiving a write-off for 2019 wherein the change in his property status occurred in 2017. The Treasurer advised that reductions were provided in previous years for the vacant commercial component of the property and it was suggested that the owner seek independent advice as to whether or not he could appeal to the Municipal Property Assessment Corporation dating back to 2017.

Moved By John Wink

Seconded By Lisa Haun

BE IT RESOLVED THAT Council receive the Taxes Written-Off Report from the Corporate Services Department; and

THAT Council approve the Taxes Written-Off Report in the amount of \$24,882.60 as per the Municipal Act, Sections 357 and 358.

Carried

5.2 Presentations

**5.2.1 Niagara Region - Transportation Services Five Year
Forecast**

This presentation was postponed to November at the request of the Niagara Region.

5.2.2 Budget Impact Presentation - Treasurer T. Quinlin

Moved By Lisa Haun

Seconded By John Wink

BE IT RESOLVED Council receives the Budget Impact Presentation presented by Treasurer T. Quinlin, for information.

Carried

5.3 Delegations

5.3.1 Kristen French Child Advocacy Centre Niagara

Janet Handy presented information regarding the Kristen French Child Advocacy Centre Niagara.

Moved By Mike Ciolfi

Seconded By Lisa Haun

BE IT RESOLVED THAT Council receive the presentation by Janet Handy, Executive Director of the Fundraising Committee, Kristen French Child Advocacy Centre Niagara , for information.

Carried

5.3.2 Community Beautification Advisory Committee

Ms. Jen Pilzecker, Chair of the Community Beautification Advisory Committee, presented information on the Committee's work to date.

Moved By Mike Ciolfi

Seconded By Lisa Haun

BE IT RESOLVED THAT Council receive the presentation by the Community Beautification Advisory Committee, for information.

Carried

5.4 Report of Regional Councillor

The Regional Councillor was not in attendance.

6. Adoption of Minutes

Moved By John Wink

Seconded By Lisa Haun

BE IT RESOLVED THAT the following minutes be adopted as printed, circulated and read:

- 1. C-15/2019 - Regular Council Minutes September 16, 2019**
- 2. SC-32/2019 - Special Council Minutes September 16, 2019**
- 3. SC-33/2019 - Special Council Minutes September 23, 2019**

Carried

7. Business Arising from Council Minutes

None

8. Request(s) to Lift Consent Agenda Item(s) for Separate Consideration

Councillor Ciolfi lifted Item 9.7.1 - Pelham Public Library Board Minutes

9. Consent Agenda Items to be Considered in Block

Moved By John Wink

Seconded By Bob Hildebrandt

BE IT RESOLVED THAT the Consent Agenda items as listed on the October 7th, 2019 Council Agenda be received and the recommendations contained therein be approved, as applicable, save and except Item 9.7.1.

9.1 Presentation of Recommendations Arising from COW or P&P, for Council Approval

BE IT RESOLVED THAT COUNCIL HEREBY approves the Recommendations Resulting from the following:

- 1. SCOW -04/2019 - Budget Open House - September 9, 2019**
- 2. COW-06/2019 - Committee of the Whole - September 16, 2019**
- 3. SCOW-05/2019 - Public Meeting - September 10, 2019**

9.2 Minutes Approval – Committee

BE IT RESOLVED THAT Council receive the following minutes for information:

- 1. SCOW -04/2019 - Budget Open House - September 9, 2019**
- 2. COW-06/2019 - Committee of the Whole - September 16, 2019**
- 3. SCOW-05/2019 - Public Meeting - September 10, 2019**

9.3 Staff Reports of a Routine Nature for Information or Action

9.3.1 Pelham New Elevated Tank Class Environmental Assessment Information - 2019-0100-Public Works, 2019-0100-Public Works

BE IT RESOLVED THAT Council receive Report # 2019-0100, Pelham New Elevated Tank and Enhanced Conceptual Design Project Public Information Centre, for information

9.4. Action Correspondence of a Routine Nature

9.4.1 Pelham Appointment to Board of Niagara Peninsula Energy Inc.

BE IT RESOLVED THAT Council receive the correspondence from Niagara Peninsula Energy Inc. regarding the appointment of a Pelham representative to the Board of Directors; and

THAT Staff be directed to advertise for applications so as to permit a nomination for appointment prior to November 29, 2019.

9.5 Information Correspondence Items

9.5.1 Thank-You Letter from Niagara Peninsula Fruit and Vegetable Growers Association

BE IT RESOLVED THAT Council receive a thank you letter from Niagara Peninsula Fruit and Vegetable Growers Association regarding the Emily 911 Project Launch, for information.

9.5.2 Thank-You Letter from the City of St. Catharines

BE IT RESOLVED THAT Council receive a thank you letter from the City of St. Catharines dated August 26, 2019, for support and cooperation during the Pioneer Farms greenhouse fire, for information.

9.7 Committee Minutes for Information

BE IT RESOLVED THAT Council receive the following Committee minutes for information:

- 1. ~~Pelham Public Library Board Minutes - June 26, 2019~~ (lifted for separate consideration)**
- 2. Pelham Public Art Advisory Committee Minutes - August 19, 2019**
- 3. Pelham Utility Sustainability Advisory Committee - July 9, 2019; July 31, 2019; August 13, 2019.**

Carried

10. Items for Separate Consideration, if Any

10.1 Pelham Public Library Board Minutes

June 26, 2019

Ms. Guilmette informed Council that she will provide information to Council regarding the survey results noted in the minutes.

Moved By John Wink
Seconded By Bob Hildebrandt

BE IT RESOLVED THAT Council receive the Pelham Public Library Board Minutes dated June 26, 2019 for information.

Carried

11. Presentation & Consideration of Reports

11.1 Reports from Members of Council:

11.1.1 Councillor Ciolfi - Cannabis Control Committee

Councillor Ciolfi provided information from the Cannabis Control Committee and requested Council support as outlined in resolutions provided.

Moved By Mike Ciolfi
Seconded By Lisa Haun

BE IT RESOLVED THAT Council for the Town of Pelham hereby authorizes an expenditure not to exceed \$10,000 for the purpose of obtaining legal advice from Aird and Berlis, LLP, to support the work of the cannabis Control Committee.

Carried

Moved By Mike Ciolfi
Seconded By Lisa Haun

WHEREAS Council for the Town of Pelham, a democratically elected government, has enacted an Interim Control By-law to allow for a review of land use planning policies and regulations pertaining to Cannabis related land uses in the rural areas of the Town, as a reflection of the will of the people;

AND WHEREAS it is recognized that lands under Development Permit Control of the Niagara Escarpment Commission are not regulated by the Town’s Zoning By-Law;

BE IT RESOLVED THAT Council for the Town of Pelham hereby calls upon the Niagara Escarpment Commission to respect the existence of the Interim Control By-law presently in effect in the Town of Pelham, for the duration of the Interim Control By-law; and

THAT a copy of this resolution be provided to the Niagara Escarpment Commission forthwith.

Carried

11.2 Staff Reports Requiring Action

11.2.1 Investing in Canada Infrastructure Program-Community,Culture and Recreation Stream, 2019-0099-Corporate Services

The Treasurer presented information regarding this grant request and the Acting Library CEO also provided information relating to a potential grant for construction of a library facility.

Moved By Marianne Stewart

Seconded By John Wink

BE IT RESOLVED THAT Council receive Report # 2019-0099-Corporate Services ; and Council approve the list of capital projects for the grant submission of the ICIP: Community, Culture and Recreation Stream.

Amendment:

Moved By Bob Hildebrandt

Seconded By John Wink

THAT the capital projects for the grant submission of the ICIP: Community, Culture and Recreation Stream include an flooring cover for the ice surface, and construction of bus shelter(s).

Carried

Amendment:

Moved By Marianne Stewart

Seconded By John Wink

BE IT RESOLVED THAT Council receive Report # 2019-0099-Corporate Services ; and Council approve the list of capital projects for the grant submission of the Investing in Canada Infrastructure Program - Community, Culture and Recreation Stream, as amended.

Carried

Moved By Bob Hildebrandt

Seconded By Lisa Haun

BE IT RESOLVED that staff be directed to return to Council by October 28th with a Special Report in support of which Council waives its' publishing deadline and purchasing policy, so that Petroff Partnership Architects and as yet an unidentified third party consultant can examine the feasibility of relocating of the main branch of the Pelham Public Library to the Meridian Community Centre with a budget to not exceed \$30,000.00, to be financed by a budget variance to be offset by supplemental revenues.

Carried

12. Unfinished Business

None

13. New Business

13.1 Sign By-law

The Fire Chief advised that there are signs being posted throughout the municipality relating to cannabis. The sign by-law does not include language for removal of signage of this nature. The Chief sought direction on whether or not to enforce removal of the signs.

Moved By Bob Hildebrandt

Seconded By Marianne Stewart

BE IT RESOLVED That staff be directed to develop enforceable Sign By-law and report back to Council by the end of December 2019

Carried

14. Presentation and Consideration of By-Laws

Moved By Bob Hildebrandt

Seconded By John Wink

BE IT RESOLVED THAT the Council of the Town of Pelham, having given due consideration to the following By-laws do now read a first, second and third time and do pass same, and

THAT the Mayor and Clerk be and are hereby authorized to sign and seal the by-laws

1. By-law #4161(2019) - Being a by-law to authorize the execution of a site plan agreement for the lands located at 1 Highway 20 West (Regional Road 20).1806183 Ontario Inc. File No. SP-05-19.

2. By-law #4163(2019) - Being a by-law to authorize the execution of an agreement with Her Majesty the Queen in Right of the Province of Ontario as represented by the Minister of Transportation for the Province of Ontario - Community Transportation Grant Program.

Carried

15. Motions and Notices of Motion: None

16. Matters for Committee of the Whole or Policy and Priorities Committee: None

17. Matters Arising Out of Committee of the Whole or Policy and Priorities Committee: None

18. Resolution to Move in Camera: No closed session scheduled.

19. Rise From In Camera: Not applicable

20. Confirming By-Law

Moved By John Wink

Seconded By Bob Hildebrandt

BE IT RESOLVED THAT the following By-law be read a first, second and third time and passed:

Being a By-law No. 4164(2019) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 7th day of October, 2019.

Carried

21. Adjournment

Moved By Marianne Stewart

Seconded By Bob Hildebrandt

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for 21, 2019 at 5:30 pm.

Carried

Mayor: Marvin Junkin

Town Clerk: Nancy J. Bozzato

Recommendations of the Committee of the Whole held September 30, 2019

BE IT RESOLVED THAT COUNCIL HEREBY approves the following Recommendations Resulting from the SCOW-06/2019 Special Committee of the Whole of September 30, 2019:

1. **THAT the agenda for the September 30, 2019 Special meeting of Committee be adopted as circulated.**
2. **THAT Committee receive the presentation by the Treasurer/Director of Corporate Services regarding the 2020 Capital Budget; and**

THAT the 2020 portion of the Capital Budget be recommended for Council approval at their next regular meeting; and

THAT the balance of the 5-year projected capital budget be received for information.

3. **THAT this Regular Meeting of Committee be adjourned until the next regular meeting scheduled for October 7, 2019 following Council.**

Recommendations of the Policy and Priorities Committee Meeting Held October 7, 2019 (P&P-07/2019)

1. **THAT the agenda for the October 7th, 2019 regular meeting of Committee be adopted as circulated.**
2. **THAT Committee receive Report #2019-0091, and recommend to Council:**

THAT the 2020 Council Meeting Schedule as provided in Appendix A to this Report be approved, with all suggested changes to be incorporated; and

THAT Staff be directed to publish the final schedule to the Town's website calendar following Council approval.

Motion for Deferral

THAT consideration of the draft 2020 Schedule of Council Meetings be postponed until the next Policy and Priorities Committee meeting of November 4, 2019.

DEFEATED

Amendment

THAT the proposed schedule be amended as follows:

THAT the Council and Committee meetings scheduled for December 21st be convened on December 14th, 2020 and that there be no meetings scheduled for December 21st.

CARRIED

Main Motion as Amended

THAT Committee receive Report #2019-0091, and recommend to Council:

THAT the 2020 Council Meeting Schedule as provided in Appendix A to this Report be approved, as amended, and with all suggested changes to be incorporated; and

THAT Staff be directed to publish the final schedule to the Town's website calendar following Council approval.

CARRIED

3. **THAT Committee receive Report # 98; and recommend that Council: approve the By-law, attached hereto as Appendix A, authorizing the Mayor and Clerk to execute the Condominium Agreement with Aiva Properties for the Fonthill Yards.**
4. **THAT Committee recommend that Council receive Report #2019-0093; regarding the Pelham Street Reconstruction Extension for information.**

5. **THAT this Regular Meeting of Committee be adjourned until the next regular meeting scheduled for October 21st, 2019 following Council.**

MINUTES

Meeting #: Special Committee of the Whole - SCOW-06/2019
Date: Monday, September 30, 2019
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present: Marvin Junkin, Mike Ciolfi, Bob Hildebrandt, Marianne Stewart, John Wink

Members Absent Lisa Haun, Ron Kore

Staff Present: David Cribbs, Nancy Bozzato, Bob Lymburner, Jason Marr, Teresa Quinlin, Vickie vanRavenswaay, Barbara Wiens, Marc MacDonald, Charlotte Tunikaitis

Others Present Amy Guilmette, Acting CEO, Library
Interested Citizens
Media

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:30 p.m.

2. Adoption of Agenda

Moved By Bob Hildebrandt

THAT the agenda for the September 30, 2019 Special meeting of Committee be adopted as circulated.

Carried

3. Disclosure of Pecuniary Interest and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

4. Capital Budget Special Meeting

Treasurer, T. Quinlin presented information on the proposed 2020 Capital Budget. She, along with Members of the Senior Leadership Team, responded to queries relating to the budget. The Director of Public Works highlighted the budget requests for the Public Works Department.

A brief recess was called mid-way through the presentation.

Moved By John Wink

THAT Committee receive the presentation by the Treasurer/Director of Corporate Services regarding the 2020 Capital Budget; and

THAT the 2020 portion of the Capital Budget be recommended for Council approval at their next regular meeting; and

THAT the balance of the 5-year projected capital budget be received for information.

Carried

5. Committee Input

Questions by Committee were addressed throughout the presentation. No additional motions were presented.

6. Adjournment

Moved By Mike Ciolfi

THAT this Regular Meeting of Committee be adjourned until the next regular meeting scheduled for October 7, 2019 following Council.

Carried

Mayor: Marvin Junkin

Town Clerk: Nancy J. Bozzato

POLICY AND PRIORITIES COMMITTEE MINUTES

Meeting #: P&P-07/2019 Immediately Following Council
Date: Monday, October 7, 2019
Location: Town of Pelham Municipal Office - Council
Chambers
20 Pelham Town Square, Fonthill

Members Present Marvin Junkin, Mike Ciolfi, Lisa Haun, Bob
Hildebrandt, Marianne Stewart, John Wink

Regrets Ron Kore

Staff Present David Cribbs, Nancy Bozzato, Bob Lymburner,
Marc MacDonald, Jason Marr, Teresa Quinlin,
Vickie vanRavenswaay, Curtis Thompson, Holly
Willford

Other Interested Citizens
Media

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Deputy Mayor, Councillor Ciolfi called the meeting to order at approximately 8:10 p.m.

2. Adoption of Agenda

Moved By Lisa Haun

THAT the agenda for the October 7th, 2019 regular meeting of Committee be adopted as circulated.

Carried

3. Disclosure of Pecuniary Interest and the General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

4. New Business

4.1 Draft 2020 Council Meeting Schedule -2019-0091 Clerks

THAT Committee receive Report #2019-0091, and recommend to Council:

THAT the 2020 Council Meeting Schedule as provided in Appendix A to this Report be approved, with all suggested changes to be incorporated; and

THAT Staff be directed to publish the final schedule to the Town’s website calendar following Council approval.

Moved By Lisa Haun

THAT consideration of the draft 2020 Schedule of Council Meetings be postponed until the next Policy and Priorities Committee meeting of November 4, 2019.

Defeated

Amendment:

Moved By Lisa Haun

THAT the proposed schedule be amended as follows:

THAT the Council and Committee meetings scheduled for December 21st be convened on December 14th, 2020 and that there be no meetings scheduled for December 21st.

Carried

Moved By Lisa Haun

THAT Committee receive Report #2019-0091, and recommend to Council:

THAT the 2020 Council Meeting Schedule as provided in Appendix A to this Report be approved, as amended, and with all suggested changes to be incorporated; and

THAT Staff be directed to publish the final schedule to the Town’s website calendar following Council approval.

Carried

4.2 Execution of a Condominium Agreement for the Fonthill Yards - File No. 26CD19-01018 - 2019-0098-Planning

Moved By Marianne Stewart

THAT Committee receive Report # 98; and recommend that Council: approve the By-law, attached hereto as Appendix A, authorizing the Mayor and Clerk to execute the Condominium Agreement with Aiva Properties for the Fonthill Yards.

Carried

4.3 Pelham Street North Reconstruction Extension - 2019-0093-Public Works

Moved By John Wink

THAT Committee recommend that Council receive Report #2019-0093 ; regarding the Pelham Street Reconstruction Extension for information.

Carried

5. Old Business

None.

6. Adjournment

Moved By Marianne Stewart

THAT this Regular Meeting of Committee be adjourned until the next regular meeting scheduled for October 21st, 2019 following Council.

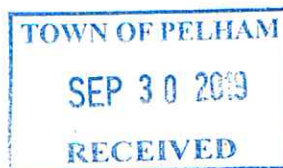
Carried

Mayor Marvin Junkin

Town Clerk, Nancy J. Bozzato



Ontario Parks – Southwest Zone
659 Exeter Road
London, ON
N6E 1L3



September 27, 2019

NOTICE

Short Hills Provincial Park will be closed to the public to honour treaty rights with a First Nation Deer Harvest.

Park closure dates include:

- Tuesday, October 22 and the morning of Wednesday, October 23, 2019,
- Thursday, November 14 and the morning of Friday, November 15, 2019,
- Thursday, November 28 and the morning of Friday, November 29, 2019,
- Thursday, December 5 and the morning of Friday, December 6, 2019,
- Thursday, January 16 and the morning of Friday, January 17, 2020

The Haudenosaunee Confederacy has notified the Ministry of the Environment, Conservation and Parks that it wishes to exercise its right to harvest deer in Short Hills Provincial Park.

Ontario respects Aboriginal and treaty rights, as recognized and affirmed under the Constitution Act, 1982, and is committed to meeting the province's constitutional and other obligations regarding First Nation and Metis people.

The Haudenosaunee Confederacy has a treaty right to harvest in an area of southwestern Ontario that includes Short Hills Provincial Park. Ontario recognizes the rights of this local First Nation community to conduct a deer harvest in the park.

The ministry also recognizes and seeks to balance the interests of the different users of the park and local community. Working with the ministry, the Haudenosaunee Confederacy has agreed to only carry out its harvest during outlined times and within the park boundary.

To provide for the safety of the public, the harvesters and ministry staff, a number of measures will be put in place:

- Archery will be the means of harvesting deer. No guns will be allowed.
- A harvest zone has been established and the deer harvest will stay confined to the agreed upon zone.
- Harvesters will be stationary and away from the park boundary.
- All participants will be advised of the safety protocols and procedures.
- Ministry staff will be present at authorized access points and other locations to advise members of the public and park users that the park is closed during the harvests and that access is prohibited.
- Notices will be posted at the park entrances.
- Each harvest will consist of a harvest day (beginning one half-hour before sunrise and end one half-hour after sunset) and post harvest maintenance the next morning (beginning at sunrise and ending at noon).

All First Nation harvesters will be made aware of the terms of the harvest agreement that has been reached between the ministry and the Haudenosaunee Confederacy to ensure a safe and humane deer harvest.

For safety reasons, on the harvest dates we ask that you do not enter the park and comply with all posted notices. Park closures are authorized under the *Provincial Parks and Conservation Reserves Act, 2006*.

If you require additional information on this First Nation deer harvest at Short Hills Provincial Park please contact Greg Wilson, Ontario Parks Southwest Zone Manager at 519-873-4616 or greg.wilson2@ontario.ca.



Board of Directors Meeting Highlights-September 18th, 2019

Delegations:

Mr. David Hayworth, Official Plan Policy Consultant, Niagara Region updated the Board on the new **Niagara Regional Official Plan**, the status of the background studies as well as the consultation framework. Mr. Sean Norman, Senior Planner, Niagara Region provided an overview of the **Natural Environment Work Program** currently underway in support of the new Niagara Official Plan.

Updates on Bill 108 – *More Homes More Choice Act*

The Board reviewed a letter from the Chair on behalf of the NPCA to the Minister of Environment, Conservation and Parks, the Honourable Jeff Yurek, regarding **Bill 108**. The letter requested the Minister to seek public consultation regarding Conservation Authority programs.

Congratulations Honourary Member Difruscio!

Mickey Difruscio, attending his first meeting as an Honourary Board Member, reported on the success of the **Monarch Butterfly Pollinating Gardens** since their inception beginning in 2016.

NPCA Continues to Respond to Auditor General Recommendations

Chief Administrative Officer Gayle Wood provided a monthly update on the status of the 24 recommendations issued by the Auditor General in her **Special Audit** of the NPCA. Seventy percent (70%) of the recommendation should be addressed by the end of 2019.

NPCA Develops Client Service Standards

The Board authorized posting the draft **Client Service Standards** on the NPCA website for 30 days to obtain public/municipal comments prior to approval by the Board in November 2019.

Draft 2020 Operating Budget Approved for Municipal Consultation

The Board approved the draft **Operating Budget** for the 2020 calendar year and instructed staff to begin outreach with municipal partners in October. The draft **Capital Budget** will be presented to the Board at the October 16, 2019 Meeting.

Links to Minutes and Video:

<https://npca.ca/administration/board-meetings>

**Cannabis Control Committee
Town of Pelham**

**Minutes of Meeting
Wednesday, August 7, 2019 - 5:00 p.m.
Fire Station #1 - 177 Highway 20 W, Fonthill**

PRESENT: Mike Cioffi, Councillor - Town of Pelham
Tim Nohara (**Chair**)
Jim Jeffs
Louis Damm
John Langendoen
Jim Steele
Carla Baxter
Bill Heska
Barbara Wiens, Director, Community Planning & Development - Town of Pelham
Jodi Legros, Administrative Assistant, Community Planning & Development-Town of Pelham
(**Secretary**)

REGRETS: David Cribbs, CAO - Town of Pelham
Shannon Larocque, Senior Planner, Community Planning & Development-Town of Pelham

1. Declaration of Quorum

Chair declared quorum at 5:07 pm.

2. Approve Agenda

Moved by J. Langendoen, seconded by J. Steele that the agenda of August 7 be approved.

Carried.

3. Approve Minutes of July 10

One minor amendment by T. Nohara was approved by members.

Moved by J. Langendoen, seconded by C. Baxter that the minutes of July 10 be approved, as amended.

Approve Minutes of July 24

Amendments by T. Nohara were read to the committee and approved by members.

Moved by C. Baxter, seconded by J. Steele that the minutes of July 24 be approved, as amended.

Approve Minutes of July 31

T. Nohara requested the Minutes of July 31 to be deferred to the next meeting date of August 14, 2019.

Carried.

4. **Cannabis Control Committee Working Session**

T. Nohara informed the committee he met with B. Wiens and S. Larocque last week to learn how the zoning by-law and official plan work together. T. Nohara provided his research material to the committee:

Cannabis Facts – T. Nohara presented a draft statement of Cannabis Facts to inform the work of Pelham's Cannabis Control Committee. The eight facts were drawn from Federal, Provincial and Municipal laws with applicable cites noted. Other relevant facts and evidence of same were also noted. Amendments were proposed to facts 4 and 8 while a new fact was inserted before fact 8.

The committee discussed the issue of odour. Council endorsed a resolution on July 16, 2018 which T. Nohara will provide to committee members. Members noted that facilities are trying to address lighting issues to reduce impact to neighbors, however security lighting in the areas continue to be another issue.

Members of the committee are interested to determine if current construction at the Balfour facility can be delayed while Health Canada is conducting an investigation relating to their license.

Sewage and environmental issues will be added to the fact sheet. The committee was in agreement to continue updating the fact sheet when necessary.

Motion moved by J. Langendoen and seconded by B. Heska to approve Cannabis Facts as amended. Copy attached Cannabis Facts.

Carried.

Cannabis Control Committee Approach to Mitigating Adverse Effects – T. Nohara provided a draft to the committee to discuss, review and approve an approach to guide their work.

A discussion ensued with all in agreement with the draft approach as provided.

Motion moved by J. Steele and seconded by L. Damm to approve the draft a approach as provided. Copy attached Cannabis Control Committee Approach to Mitigating Adverse Effects.

Official Plan and Zoning By-law Structure – T. Nohara also provided an overview and reference of the pertinent areas of the official plan and zoning by-law and explained the structure of each document. Official plans are policy documents and zoning by-laws are the rules/regulations.

A good discussion and feedback was provided. Members agreed this was a useful tool to help us understand amendments designed to address various issues.

T. Nohara informed the committee he received a letter from Mr. David Ireland. D. Ireland has requested that the 150m setback be doubled as a minimum starting point and that the setback be required from each lot line surrounding production facilities.

5. **AMO Conference Meeting with Minister of Agriculture, Food and Rural Affairs**

B. Wiens informed committee members that Mayor Junkin, D. Cribbs, CAO and Councillor Hildebrandt will attend the AMO Conference Meeting in Ottawa this month.

The Town requested access to meet with the Minister of Agriculture, Food and Rural Affairs to discuss cannabis related issues. Staff were advised that the Town will be given the opportunity to meet with the Minister. The meeting will be 15-minute in length. The Town is aware that other municipalities have also asked to meet with the Minister on cannabis related issues so the Minister may hear similar concerns from more than one municipality. D. Cribbs will report back after their discussion with the Ministry.

6. **Next meeting**

August 14, 2019 at 5:00 pm.

7. **Items for Discussion at Next Meeting**

Zoning By-Law Amendment review.

8. **Adjournment:**

Moved by J. Jeffs, seconded by J. Steele that the meeting be adjourned.

The meeting adjourned at approximately 7:25 p.m.

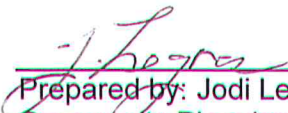
Carried.

Signed by:



17 Sept. 2019

Tim Nohara (Chair)



Prepared by: Jodi Legros, Administrative Assistant
Community Planning & Development-Town of Pelham

CANNABIS FACTS

No.	Fact	Evidence
1	Federal Law: The building where cannabis is produced must be equipped with a system that filters air to prevent the escape of odours.	Cannabis Regulations SOR/2018-144, Section 85 Filtration of Air
2	Ontario Law: Subject to subsection (2) but despite any other provision of this Act or the regulations, a person shall not discharge [leak or emit] a contaminant [odour] or cause or permit the discharge of a contaminant into the natural environment, if the discharge causes or may cause an adverse effect [1(g) loss of enjoyment of normal use of property]. 2005, c. 12, s. 1 (5).	Environmental Protection Act R.S.O. 1990, Chapter E.19 Section 14 Prohibition, discharge of a contaminant
3	Pelham Zoning ByLaw: No land shall be used and no building or structure erected, altered or used for any purpose which is obnoxious, for any purpose that creates or is likely to become a nuisance or offensive, or both by reason of the emission of objectionable odour.	Pelham Zoning Bylaw 1136 (1987) Section 6.19 Obnoxious Uses
4	Cannabis Production Facilities (CPFs) established without notice, public meeting, or zoning bylaw amendment which would inform residents.	CannTrust, Redecan Residents had no opportunity to express their concerns to Council
5	CannTrust continues to cause considerable loss of enjoyment for neighbours due to obnoxious odours in spite of any measures they may have taken. Odours reach Fenwick subdivision to south.	Visit neighbourhood regularly; Talk to neighbours; Petitions; Complaints; Council resolution 16 July 2018
6	CannTrust continues to cause light pollution at night through growing lights and security lights.	Look at night sky regularly from miles away; neighbours;
7	Redecan continues to cause considerable loss of enjoyment for neighbours due to obnoxious odours in spite of any measures they may have taken. Odours reach Fonthill subdivision to N/NE and Welland to E/SE	Visit neighbourhood regularly; Talk to neighbours; Petitions; Complaints; Council resolution 16 July 2018
8	Redecan continues to cause light pollution at night (security lights).	Drive by at night.
9	CannTrust/Redecan are causing other concerns including loss of property value, traffic, noise, and environmental concerns (e.g. sewer discharge).	Neighbours, real estate agents, petitions

This document describes CCC's approach to mitigate the adverse effects experienced by Pelham residents with respect to Cannabis Production Facilities (CPFs)
8/27/2019 9:29 PM

CCC APPROACH TO MITIGATING ADVERSE EFFECTS

Steps	Description	Notes
1	Keep Facts up to date as they will inform our approach	See 20190805-CannabisFacts.docx
2	Develop suitable measures to help mitigate the adverse effects on residents of the existing CPFs	Reactive measures to improve the current situation
3	Develop suitable measures to ensure compatible use with respect to future CPFs or expansion of existing CPFs	Proactive measures to ensure the current adverse impacts do not get worse over time
4	Develop a Regulatory Framework for identifying, tracking and reporting on our progress to Council and to residents	We have a draft which we will refine and improve and update over the course of our work
5	Develop Metrics to Assess the Efficacy of the control measures we develop	<ol style="list-style-type: none"> 1. Reactive measures should improve existing CPF compatibility over time 2. Proactive measures, had they been in place prior to the existing CPFs, should have avoided the present incompatibility and resulted in the CPFs seeking other Town locations / designs 3. Proactive measures should avoid future compatibility use problems

**Cannabis Control Committee
Town of Pelham**

**Minutes of Meeting
Wednesday, August 14, 2019 - 5:00 p.m.
Fire Station #1 - 177 Highway 20 W, Fonthill**

PRESENT: Mike Cioffi, Councillor - Town of Pelham
Carla Baxter (**Chair**)
Jim Jeffs
Louis Damm
Bill Heska
David Cribbs, CAO - Town of Pelham
Barbara Wiens, Director, Community Planning & Development - Town of Pelham
Shannon Larocque, Senior Planner, Community Planning & Development-Town of Pelham
Jodi Legros, Administrative Assistant, Community Planning & Development-Town of Pelham
(**Secretary**)

OTHER: Gloria Katch, Media

REGRETS: Tim Nohara, John Langendoen, and Jim Steele

1. Declaration of Quorum

Chair declared quorum at 5:03 pm.

2. Approve Agenda

Moved by J. Jeffs, seconded by L. Damm that the agenda of August 14 be approved.

Carried.

3. Approve Minutes of July 31

Revisions to the draft minutes were provided by T. Nohara via email. Town staff requested a copy of the revised Minutes.

Moved by J. Jeffs, seconded by L. Damm that the minutes of July 31 be approved, as amended.

Approve Minutes of August 7

Moved by J. Jeffs, seconded by L. Damm that the minutes of August 7 be deferred to the next meeting date of August 14, 2019.

Carried.

4. Cannabis Control Committee Working Session

B. Wiens will invite the Director of Public Works to attend a meeting to discuss J. Jeffs' inquiry relating to traffic and how the traffic count is broken down.

Micro-cultivation was discussed and the committee was informed that all outdoor growing would be prohibited including micro grow-cultivation, other than the growing for personal use being 4 plants/household or those with a license to grow for personal medical use. A draft of the nuisance by-law will be provided at the next meeting.

5. **Update on Outstanding Matters**

Business License - B. Wiens recapped from prior discussion with C. Shedden that the Town could not license anything that would conflict with a federal license and there would not be anything to license at the municipal level. D. Cribbs noted that in large municipalities that require businesses to obtain a license, this is a council policy and typically relates to matters of public health and safety and consumer protection, i.e. such as licencing tattoo parlours, strip clubs, taxi cabs, etc. It would require that all businesses in a business class be licensed and cannot separate for one type of business.

Outdoor Cannabis vis a vis Interim Control By-law - The interim control by-law would restrict outdoor growing by current production facilities since it was in place prior to the licence being issued to permit outdoor growing. The same would apply if a new owner were to purchase a facility. B. Wiens noted it was difficult to answer various “what-if” scenarios regarding the issues at CannTrust as it is based on speculation at this time.

Court of Appeal Decision – B. Wiens is still awaiting the court decision regarding the inability to prohibit lawful uses from C. Shedden.

Beckwith Township Normal Farm Practices Board Hearing – B. Wiens distribute the Normal Farm Practices Board decision dated June 21, 2019 regarding the Beckwith Township matter. This matter will be proceeding to a full hearing which has yet to be scheduled. Town staff continue to monitor this matter.

Councillor Ciolfi inquired about placing a stop-work order on a facility under investigation with Health Canada. B. Wiens informed the committee that the Town cannot hinder construction at a facility that has legitimately obtained a building permit. The investigation by Health Canada is a Health Canada matter and the Town does not have jurisdiction in that investigation.

6. **Review Proposed Official Plan and Zoning By-Law Amendment**

S. Larocque noted that the drafts have been amended as they are living documents. She and B. Wiens are listening to the concerns of the committee and are trying to address the requests being made. Since a 150 meter setback will not always be acceptable, the setback requirement has been re-worded to the ‘the greater of 150m or the distance recommended by an odour impact analysis’. S. Larocque noted if a larger setback is recommended by an odour impact analysis than the larger setback would be required and D. Cribbs noted that the Town could not impose setbacks that would have the effect of prohibiting a lawful establishment and one needs to consider the context of the municipality. It was noted that the farm sizes in Pelham are smaller than in many other areas of the province.

S. Larocque noted that the draft zoning by-law amendment will conform to the requirements already set out in the Town’s Official Plan, including items such as retail stores not being permitted as an accessory use to a greenhouse. These amendments bring the zoning by-law into conformity with the Official Plan.

B. Wiens also noted that the cannabis production facility requirements will be part of the site plan control process which would include addressing such matters as waste management, odour mitigation, etc.

The committee made inquiries relating to fines however the zoning by-law cannot assign a fine. This matter will be discussed next week with the other draft by-laws.

S. Larocque will review the 'marijuana' alternative name noted in section 11.

B. Wiens confirmed that staff are seeking feedback on the draft documents that will be presented at a public meeting. Recommendations are not being made to Council at the public meeting. A recommendation report will follow after the public meeting and is set for September 23, 2019.

Motion approved by J. Jeffs and L. Damm to receive proposed Official Plan Amendment and Zoning By-Law Amendment.

7. **Next meeting:** August 21, 2019 at 5:00 pm - Council Chambers, Town Hall.

8. **Items for Discussion at Next Meeting**

Draft By-laws (Fence, Fortification & Nuisance By-Laws) will be reviewed at the next meeting.

9. **Adjournment:**

Moved by J. Jeffs, seconded by L. Damm that the meeting be adjourned.

The meeting adjourned at approximately 6:58 p.m.

Carried.

Signed by:


Carla Baxter (Chair)


Prepared by: Jodi Legros, Administrative Assistant
Community Planning & Development-Town of Pelham

Meeting #: 06/2019
Date: Wednesday, June 5, 2019
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Donald Cook
John Klassen
Bernie Law

Staff Present Nancy Bozzato
Holly Willford

Others Present Applicants, Agents and Interested Parties

1. Attendance

Applicants, agents, and interested parties.

2. Call to Order, Declaration of Quorum and Introduction of Committee and Staff

Noting that a quorum was present, Chair Cook called the meeting to order at approximately 4:00 pm. The Chair read the opening remarks to inform those present on the meeting protocols and he introduced the hearing panel and members of staff present.

3. Disclosure of Pecuniary Interest and General Nature Thereof

None.

4. Requests for Withdrawal or Adjournment

Holly Willford, Assistant Secretary-Treasurer indicated there have been no requests for withdrawal or adjournment.

Ms. Willford requested that applications A3/2019, A15/2019 and A16/2019 to be heard prior to the Stella Street Applications and further to hear the Stella Street Consent Applications prior to the Stella Street Minor Variances. The Committee agreed by consensus.

5. Applications for Minor Variance (excluding Stella Street)

5.1 A3/2019P - 245 Farr Street

Purpose of Application

Application for relief, pursuant to Section 7.4 (f) "Minimum Side Yard" to permit a side yard of 4.5m whereas the by-law requires 9m.

Representation

The Applicant's Agent was present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Niagara Region Planning & Development Services

Applicant's Comments

The Agent had no comments.

Public Comments

Irene Kerkhoven, stated she has concerns regarding the septic system and drainage as there is currently a pond on the property where the proposed house is to be constructed. She further indicated there are existing drainage issues on the property.

Members Comments

The Committee Members discussed the size of the lot in relation to the house, drainage issues, and septic requirements. Chair Cook, provided some history regarding the creation of the lot, which was created by testamentary devise.

The Members determined in addition to the conditions recommended by the Planning Department, the Committee would like to impose an additional condition that a lot grading and drainage plan be submitted to the satisfaction of the Niagara Region.

Moved By John Klassen

Seconded By Bernie Law

Application is made for relief of Section 7.4 (f) "Minimum Side Yard" to permit a side yard of 4.5m whereas the by-law requires 9m, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature and no negative impacts are anticipated for the subject land or neighbouring property.**
- 2. The general purpose and intent of the Zoning By-Law is maintained as large buffers are maintained between the neighbouring parcels.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the use of the land because it will encourage the dwelling to be located further away from the septic bed.**
- 5. This application is approved without prejudice to any other application in the Town of Pelham.**
- 6. No objections were received from commenting agencies or abutting property owners.**
- 7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application does not meets the Planning Act tests for minor variance.**

The above decision is subject to the following conditions:

- 1. Obtain approval for a septic system permit to be issued by the Region of Niagara.**
- 2. That all necessary building permits are required prior to construction commencing for the new addition, to the satisfaction of the Chief Building Official.**
- 3. Obtain all necessary entrance and culvert permits to the satisfaction of the Director of Public Works prior to gaining access from the Town right-of-way.**

4. To submit a detailed *Lot Grading & Drainage* Plan with the Septic Permit Application and obtain approval of the same, to be issued by the Region of Niagara.

Carried

5.2 A15/2019P - 630 Kilman Road

Purpose of Application

Application for relief, pursuant to Section 7.7 (d) "Maximum Accessory Building Height" to permit a maximum accessory building height of 5m whereas the by-law permits 3.7m.

Representation

The Agent for the Applicant was present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Niagara Region Planning & Development Services
5. Agrapides Family Correspondence

Applicant's Comments

The Agent indicated the carriage house would be set back from the road and not visible to neighbours.

Public Comments

There were no comments received from the public.

Members Comments

Chair Cook stated that although the variance is for height he has concerns the carriage house may be converted into a secondary suite in the future.

Moved By Bernie Law

Seconded By John Klassen

Application is made for relief of Section 7.7 (d) "Maximum Accessory Building Height" to permit a maximum accessory building height of 5m whereas the by-law permits 3.7m as required, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature given the rural context and no negative impacts are anticipated by the adjacent neighbors as over 60m separates the nearest residential neighbour from the building site.**
- 2. The general purpose and intent of the Zoning By-Law is maintained as the increased height will not adversely impact the agricultural character of the area or the surrounding countryside**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate use of the land as it allows for enhanced storage and personal use of the property.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. No objections were received from commenting agencies or abutting property owners.**
- 7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

The above decision is subject to the following conditions:

- 1. All necessary building permits are required prior to construction commencing, to the satisfaction of the Chief Building Official, and no additional plumbing fixtures, other than those required for one washroom, as per the supplied *Floor Plan*, be installed within the proposed accessory building at the time of building permit.**

Carried

5.3 A16/2019P - 970 Webber Road

Purpose of Application

Application for relief, pursuant to Section 7.7 (a) "Maximum (Accessory) Lot Coverage" to permit a maximum lot coverage of 2.3% whereas the by-law permits 1%, Section 7.7 (b) "Minimum (Accessory) Side Yard" to permit a minimum side yard of 1.25m whereas the by-law requires 3m, and Section 7.7 (d) "Maximum (Accessory) Building Height" to permit a maximum building height of 5.64m whereas the by-law permits a maximum height of 3.7m.

Representation

The Applicant was present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Niagara Region Planning & Development Services
5. Niagara Peninsula Conservation Authority

Applicant's Comments

The Applicant indicated the minor variance requests are to facilitate an RV to be parked in the garage and that he would be able to bring the side yard set back to the required 3m without issue.

Public Comments

There were no comments received from the public.

Members Comments

There were no comments made by the Committee Members.

Moved By John Klassen

Seconded By Bernie Law

Application is made for relief of Section 7.7 (a) "Maximum (Accessory) Lot Coverage" to permit a maximum lot coverage of 2.3% whereas the by-law permits 1% and Section 7.7 (d) "Maximum (Accessory) Building Height" to permit a maximum building height of

5.64m whereas the by-law permits a maximum height of 3.7m, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature overall given the amount of landscaped open space available on the property which continues to allow for storm water penetration, existing septic system needs, and amenity area and adequate distance buffers the accessory building from nearby neighbours**
- 2. The general purpose and intent of the Zoning By-Law is maintained as the variance will not adversely impact the rural character of the area or the surrounding countryside.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate use of the land as it will allow for enhanced storage and use of the structure.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. No objections were received from commenting agencies or abutting property owners.**
- 7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

The above decision is subject to the following conditions:

- 1. To the satisfaction of the Chief Building Official**
 - i. That all necessary building permits are required prior to construction commencing are obtained.**
- 2. To the satisfaction of the Director of Community Planning & Development**
 - ii. That a redesigned garage Elevation Plans that contribute more positively to the public and private realm through the use of windows symmetrically proportionate to the building's mass, as well as a more congruent use of**

exterior cladding, (i.e. Avoiding the use of different cladding materials per façade) be submitted and approved.

3. To the satisfaction of the Director of Public Works
 - i. At the time of building permit, submit an updated Lot Grading & Drainage Plan to the satisfaction of the Director of Public Works
 - ii. To the satisfaction of Niagara Region Planning & Development Services
 - iii. Submit an updated Lot Grading & Drainage Plan to the satisfaction of Niagara Region Planning & Development Services.

Application for relief, pursuant to Section 7.7 (b) “Minimum (Accessory) Side Yard” to permit a minimum side yard of 1.25m whereas the by-law requires 3m, is hereby: **REFUSED**.

The above decision is based on the following reasons:

1. The variance is not minor in nature given the site context which experiences poor drainage conditions.
2. The general purpose and intent of the Zoning By-Law is not maintained.
3. The intent of the Official Plan is not maintained and the application was not accompanied by any demonstrated need on the basis that the subject zoning provision is not warranted, causes undue hardship, or is otherwise impossible to comply with (Policy E1.5).
4. The proposal is desirable for the use of the land as it will maximize the usable land in the rear yard for amenity space.
5. This application is refused without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

Carried

5.4 A17/2019P - 210 Farr Street

Purpose of Application

Application for relief, pursuant to Section 7.4 (f) "Minimum Side Yard" to permit a minimum southerly side yard of 8.5m whereas 9m is required to facilitate the construct a proposed detached dwelling.

Representation

The Applicant's Agent was present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Niagara Region Planning & Development Services
5. Niagara Peninsula Conservation Authority

Applicant's Comments

The Agent had no comments.

Public Comments

Phyllis Kerkhoven indicated she had concerns with the lot being under an acre in size and suggested perhaps the owner of the subject property could purchase additional lands from the neighbours to make the parcel of land a full acre.

Members Comments

The Members determined in addition to the conditions recommended by the Planning Department, the Committee would like to impose an additional condition that a lot grading and drainage plan be submitted to the satisfaction of the Town of Pelham Public Works Director.

Moved By John Klassen

Seconded By Bernie Law

Application is made for relief of Section 7.4 (f) "Minimum Side Yard" to permit a minimum southerly side yard of 8.5m whereas 9m is required to facilitate the construct a proposed detached dwelling, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature given the rural area.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate use of the land as it will encourage the dwelling to be located further away from the septic bed.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. No objections were received from commenting agencies or abutting property owners.**
- 7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

The above decision is subject to the following conditions:

- 1. That all necessary building permits are required prior to construction commencing to the satisfaction of the Chief Building Official.**
- 2. To submit a detailed *Lot Grading & Drainage* Plan with the Septic Permit Application and obtain approval of the same, to be issued by the Region of Niagara.**
- 3. At the time of building permit, submit a detailed Lot Grading & Drainage Plan to the satisfaction of the Director of Public Works at the Town of Pelham.**

Carried

6. Applications for Consent

6.1 B3/2019P - 36 Stella Street

Purpose of Application

Application is made to seek consent to convey (Parts 3, 5, 6 and 7), partial discharge of mortgage of 626 square metres of land for a single family residential dwelling and to establish an easement in perpetuity over Parts 6 and 7 in favour of Bell Canada to protect existing buried facilities and supply services. 801 square metres of land (Part 1 and 8) is to be retained for one single residential dwelling.

Representation

The Applicant and Applicant's Agent was present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Bell Canada
5. Michael Whittaker Correspondence
6. Marion Whittaker Correspondence

Applicant's Comments

The Applicant's Agent indicated they were happy with the planning report.

Public Comments

Michael Whittaker indicated the planning department report did a good job identifying his concerns. He stated he is most concerned about the tulip trees on the property and would like to see them remain.

Members Comments

A Member asked Curtis Thompson, Planner if the planning report takes into account the surrounding residents feelings when reviewing applications. Mr. Thompson indicated the planning report does consider the surrounding neighbour's feelings and stated planning staff included a recommended condition regarding the trees on the property, which was

based on resident feedback. Mr. Thompson further cited the provincial policies which speak to intensification and infill.

Chair Cook expanded on Mr. Thompson's sentiments regarding the provincial policy, local municipal official plans and the requirement of intensification.

Through conversation the Members determined they wished to amend the recommended condition regarding the trees on the property to indicate the owner must submit a tree preservation plan to the satisfaction of the Town of Pelham Public Works Director. When asked, the Applicant indicate it is the owner's intention to keep the two mature trees referenced. The Applicant voiced some concerns regrading the ability to preserve the trees, but indicated he would try his best.

It was noted by the Committee the same revised conditions would apply to application B4/2019P.

Moved By John Klassen

Seconded By Bernie Law

Application is made to seek consent to convey (Parts 3, 5, 6 and 7), partial discharge of mortgage of 626 square metres of land for a single family residential dwelling and to establish an easement in perpetuity over Parts 6 and 7 in favour of Bell Canada to protect existing buried facilities and supply services. 801 square metres of land (Part 1 and 8) is to be retained for one single residential dwelling., is hereby: GRANTED

This decision is based on the following reasons:

- 1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**
- 2. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
- 3. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies**

with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.

The above decision is subject to the following conditions:

1. Public Works

- i. Ensure each lot is serviced with an individual 20 mm Ø water service and 125 mm Ø sanitary sewer lateral in accordance with Town standards. Installation of any service will require a Temporary Works Permit(s) to be obtained and approved by the Public Works Department. If existing services are proposed for reconnection, such services shall be inspected by the Public Works Department to determine their condition is satisfactory prior to connection. The applicant shall bear all costs associated with these works.**
- ii. Submit an updated drawing indicating the locations of the individual water service and sanitary laterals for all lots to confirm no existing service branches from, or through any proposed lot lines to other lands, and from or through the remnant parcel to other lands. Locate cards for all lots shall be required after the installation of new services.**
- iii. Submit an updated drawing indicating the location of all missing trees, and what is proposed for them following development (construction / driveway installation), to the satisfaction of the Director of Public Works.**
- iv. Submit a comprehensive overall lot grading & drainage plan for all parcels demonstrating that the drainage neither relies upon nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective boundaries of the new parcel, to the satisfaction of the Director of Public Works.**
- v. Obtain approval for a Driveway Entrance & Culvert Permit for all entrances for all lots issued through the Public Works Department, to Town standards. This includes the removal of the existing entrance on John Street. The applicant shall bear all costs associated with these works.**

2. Community Planning and Development

- i. Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.**

3. Secretary-Treasurer

- i. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.**
- ii. That the final certification fee of \$387, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.**

Bell Canada

- i. Obtain approval for the conveyance of a perpetual easement over the western limits of the subject lands, to the benefit of Bell Canada for continued maintenance and protection of existing telecommunications infrastructure, to the satisfaction of Bell Canada.**

Carried

6.2 B4/2019P - 36 Stella Street

Purpose of Application

Application is made to seek consent to convey and partial discharge of mortgage of 651 square metres of land for a single family residential dwelling, shown as Parts 2 and 4 on the drawing submitted, being part of Lot 10, Plan 670, in the Town of Pelham.

Representation

The Applicant and Applicant's Agent was present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Bell Canada
5. Michael Whittaker Correspondence
6. Marion Whittaker Correspondence

Applicant's Comments

The Applicant's Agent had no comments.

Public Comments

There were no comments received from the public.

Members Comments

The Committee discussed amended conditions to be applied to mirror those of application B3/2019P

Moved By Bernie Law

Seconded By John Klassen

Application is made to seek consent to convey and partial discharge of mortgage of 651 square metres of land for a single family residential dwelling, shown as Parts 2 and 4 on the drawing submitted, being part of Lot 10, Plan 670, in the Town of Pelham., is hereby: GRANTED

This decision is based on the following reasons:

1. **The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**
2. **This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
3. **The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria,**

is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.

The above decision is subject to the following conditions:

1. Public Works

- i. Ensure each lot is serviced with an individual 20 mm Ø water service and 125 mm Ø sanitary sewer lateral in accordance with Town standards. Installation of any service will require a Temporary Works Permit(s) to be obtained and approved by the Public Works Department. If existing services are proposed for reconnection, such services shall be inspected by the Public Works Department to determine their condition is satisfactory prior to connection. The applicant shall bear all costs associated with these works.**
- ii. Submit an updated drawing indicating the locations of the individual water service and sanitary laterals for all lots to confirm no existing service branches from, or through any proposed lot lines to other lands, and from or through the remnant parcel to other lands. Locate cards for all lots shall be required after the installation of new services.**
- iii. Submit an updated drawing indicating the location of all missing trees, and what is proposed for them following development (construction / driveway installation), to the satisfaction of the Director of Public Works.**
- iv. Submit a comprehensive overall lot grading & drainage plan for all parcels demonstrating that the drainage neither relies upon nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective boundaries of the new parcel, to the satisfaction of the Director of Public Works.**
- v. Obtain approval for a Driveway Entrance & Culvert Permit for all entrances for all lots issued through the Public Works Department, to Town standards. This includes the removal of the existing entrance on John Street. The applicant shall bear all costs associated with these works.**

2. Community Planning and Development

- i. **Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.**

3. Secretary-Treasurer

- i. **That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.**
- ii. **That the final certification fee of \$387, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.**

Carried

6.3 B5/2019P - 36 Stella Street

Purpose of Application

Application is made to seek consent to convey an easement in perpetuity over Part 8 in favour of Bell Canada to protect existing buried facilities and supply services and a partial discharge of mortgage of 26 square metres of land. 801 square metres of land (Part 1 and 8) is to be retained for one single residential dwelling.

Representation

The Applicant and Applicant's Agent was present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department

Applicant's Comments

The Applicant's Agent had no comments.

Public Comments

There were no comments received from the public.

Member

There were no comments made by Members.

Moved By John Klassen

Seconded By Bernie Law

Application is made to seek consent to convey an easement in perpetuity over Part 8 in favour of Bell Canada to protect existing buried facilities and supply services and a partial discharge of mortgage of 26 square metres of land. 801 square metres of land (Part 1 and 8) is to be retained for one single residential dwelling, is hereby: GRANTED

This decision is based on the following reasons:

- 1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**
- 2. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
- 3. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

The above decision is subject to the following conditions:

Secretary-Treasurer

- 1. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.**

2. That application for consent, file B5/2019 receive final certification of the Secretary-Treasurer concurrently with applications B3/2019P and B4/2019P; and
3. That the final certification fee of \$387, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Carried

7. Stella Street Applications for Minor Variance

7.1 A10/2019P - 36 Stella Street

Purpose of Application

Application for relief, pursuant to Section 13.2 (b) "Minimum Lot Frontage" – to permit a minimum lot frontage of 17.5m whereas 19m and Section 13.2 (c) "Maximum Lot Coverage" – to permit a maximum lot coverage of 40% whereas 30% is permitted is required.

Representation

The Applicant and Applicant's Agent was present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Michael Whittaker Correspondence
5. Marion Whittaker Correspondence

Applicant's Comments

The Applicant's Agent had no comments.

Public Comments

There were no comments received from the public.

Members Comments

There were no comments made by the Committee Members.

Moved By John Klassen

Seconded By Bernie Law

Application is made for relief of Section 13.2 (b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 17.5m whereas 19m and Section 13.2 (c) “Maximum Lot Coverage” – to permit a maximum lot coverage of 40% whereas 30% is permitted is required, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature given the surrounding area and that smaller lot sizes are increasingly becoming common throughout the Town, Region and Province.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the use of the land as the narrower frontage will help to frame the edge of Pelham Street in a more compact fashion by lessening the large underutilized side yards between buildings and affords modest flexibility for additional building alterations or future structures on the site.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. No objections were received from commenting agencies or abutting property owners.**
- 7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

The above decision is subject to the following conditions:

- 1. That the approval of the minor variance is subject to Consent Files B3/2019P - B5/2019P obtaining final approval.**

Carried

7.2 A11/2019P - 36 Stella Street

Purpose of Application

Application for relief, pursuant to Section 13.2 (a) "Minimum Lot Area" – to permit a minimum lot area of 625 metres squared whereas 700 metres squared is permitted.

Representation

The Applicant and Applicant's Agent was present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Michael Whittaker Correspondence
5. Marion Whittaker Correspondence

Applicant's Comments

The Applicant's Agent had no comments.

Public Comments

There were no comments received from the public.

Members Comments

There were no comments made by the Committee Members.

Moved By Bernie Law

Seconded By John Klassen

Application is made for relief of Section 13.2 (a) "Minimum Lot Area" – to permit a minimum lot area of 625 metres squared whereas 700 metres squared is permitted, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature given smaller lot sizes are increasingly becoming common throughout the Town, Region and Province.**

2. The general purpose and intent of the Zoning By-Law is maintained.
3. The intent of the Official Plan is maintained.
4. The proposal is desirable for the use of the land as it will allow for an additional dwelling unit to be erected on an otherwise fairly large residential lot.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. No objections were received from commenting agencies or abutting property owners.
7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

The above decision is subject to the following conditions:

1. That the approval of the minor variance is subject to Consent Files B3/2019P - B5/2019P obtaining final approval.

Carried

7.3 A12/2019P - 36 Stella Street

Purpose of Application

Application for relief, pursuant to Section 13.2 (a) "Minimum Lot Area" – to permit a minimum lot area of 650 metres squared whereas 700 metres squared is permitted.

Representation

The Applicant and Applicant's Agent was present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department

4. Michael Whittaker Correspondence
5. Marion Whittaker Correspondence

Applicant's Comments

The Applicant's Agent had no comments.

Public Comments

There were no comments received from the public.

Members Comments

There were no comments made by the Committee Members.

Moved By Bernie Law

Seconded By John Klassen

Application is made for relief of Section 13.2 (a) "Minimum Lot Area" – to permit a minimum lot area of 650 metres squared whereas 700 metres squared is permitted, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature given smaller lot sizes are increasingly becoming common throughout the Town, Region and Province.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the use of the land as it will allow for an additional dwelling unit to be erected on an otherwise fairly large residential lot.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. No objections were received from commenting agencies or abutting property owners.**
- 7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

The above decision is subject to the following conditions:

- 1. That the approval of the minor variance is subject to Consent Files B3/2019P - B5/2019P obtaining final approval.**

Carried

8. Minutes for Approval

Moved By Bernie Law

Seconded By Donald Cook

That the minutes of the April 2, 2019, Committee of Adjustment Hearing be approved.

Carried

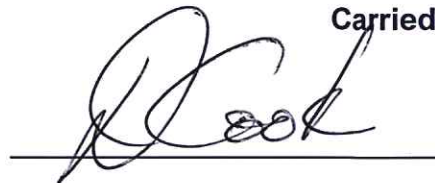
9. Adjournment

Moved By John Klassen

Seconded By Bernie Law

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for July 9th, 2019 at 4:00 pm.

Carried

A handwritten signature in black ink, appearing to read "Don Cook", written over a horizontal line.

Don Cook, Chair

A handwritten signature in blue ink, appearing to read "Nancy J. Bozzato", written over a horizontal line.

Secretary-Treasurer, Nancy J. Bozzato

THE CORPORATION OF THE
T O W N O F P E L H A M

BY-LAW #4167(2019)

Being a by-law to authorize the sale of Town-owned lands to Fonthill Gardens Inc., or successors in title, the lands being described on Schedules A and B appended hereto; and

To authorize the Mayor and Clerk to execute all necessary documents to complete the transaction.

WHEREAS Council for the Town of Pelham is the registered owner of the lands as described in Schedules "A" and "B" attached hereto;

AND WHEREAS Council has previously determined that the lands therein described are surplus to the Town's needs through the passage of By-law #3928(2018);

AND WHEREAS Council deems it desirable to effect the sale of said lands to Fonthill Gardens Inc., or successors in title, for development in keeping with the Urban Design Guidelines and zoning requirements for said lands, in accordance with the Agreement of Purchase and Sale, as amended, dated April 1, 2019;

AND WHEREAS the sale of said lands falls within the provisions of the Towns Sale of Surplus Land By-law,

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

- (1) THAT the sale of lands described in Schedule "A" to Fonthill Gardens Inc., or successors in title, be and is hereby authorized; and

- (2) THAT the Mayor and Clerk be and are hereby authorized to execute all documents necessary to complete the transactions for the sale of said lands.

ENACTED, SIGNED & SEALED THIS
21st DAY OF OCTOBER 2019

M. JUNKIN, MAYOR

NANCY J. BOZZATO, TOWN CLERK

SCHEDULE A
To By-law #4167 (2019)

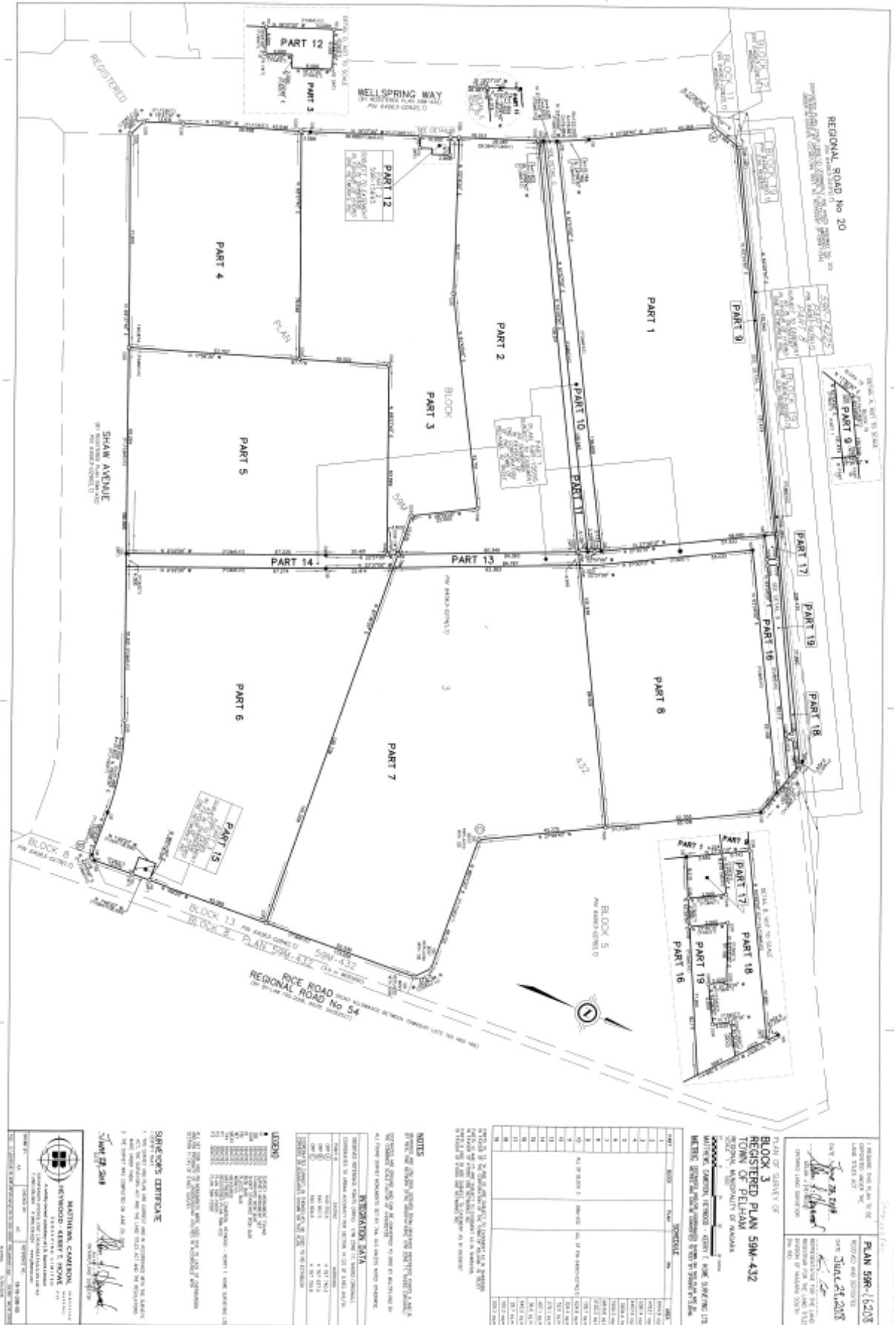
Property Description:

Containing 3.79 acres more or less, as shown on Schedule "B" hereto and subject to encumbrances as in SN306187, SN489304, SN4879306 and SN489589

The Property being legally described as:

Part of PIN 64063-0274(LT being Part of Block 3, Plan 59M-432, designated as Parts 1, 8, 9, 10, 11, 16, 17, 18 and 19 on reference Plan 59R-16208, Town of Pelham.

SCHEDULE B TO BY-LAW #4167(2019)



THE CORPORATION OF THE
T O W N O F P E L H A M

BY-LAW NO. #4168 (2019)

Being a by-law to authorize the execution of a condominium agreement with Aiva Properties Ltd. and the Corporation of the Town of Pelham— Fonthill Yards.
Aiva Properties Ltd.
File No. 26CD19-01018

WHEREAS at the Council meeting held on October 7, 2019 the Municipal Council of the Town of Pelham approved the Report Regarding the Execution of the Fonthill Yards Condominium Agreement, authorizing the entry into a Condominium Agreement with Aiva Properties Ltd. (the ‘Developer’) and the Corporation of the Town of Pelham detailing certain land conveyances, payments and dedications, and the conditions whereby development can occur; and,

WHEREAS it is deemed desirable to enter into a Condominium Agreement for the Fonthill Yards with Aiva Properties Ltd. in order to control development of lands as described in Schedule ‘A’ of the Condominium Agreement which is attached hereto and forms part of this by-law;

NOW THEREFORE the Municipal Council of the Town of Pelham hereby enacts as follows:

1. **THAT** provided Aiva Properties Ltd. first satisfies the requirements mentioned in the Agreement attached to and forming part of this by-law that are to be satisfied prior to or at the time of execution of the Agreement by Aiva Properties Ltd. and the Corporation of the Town of Pelham, then the Mayor and Clerk are authorized to execute the Condominium Agreement annexed hereto and once executed by all parties, the Agreement shall be registered upon the title to the lands described in Schedule ‘A’ of the said agreement.
2. **THAT** the conveyances, payments, and dedications required by the said Condominium Agreement, are authorized and approved.

3. **THAT** the Mayor and Clerk be and they are hereby authorized and directed to execute the Condominium Agreement attached to and forming part of this by-law.
4. **THAT** in the event minor modifications to the Condominium Agreement are necessary to effect the intent herein, the Clerk of the Town of Pelham is hereby authorized to complete same in consultation with the Town Solicitor.

ENACTED, SIGNED AND SEALED THIS
21st DAY OF OCTOBER, 2019 A.D.

MAYOR MARVIN JUNKIN

CLERK NANCY J. BOZZATO

THIS AGREEMENT made this _____ day of _____, 2019

BETWEEN:

THE CORPORATION OF THE TOWN OF PELHAM

hereinafter called the “**Town**”

-AND-

AIVA PROPERTIES LTD.

hereinafter called the “**Condominium**”

WHEREAS the Corporation proposed to develop, under the Condominium Act, S.O. 1998, C19, as amended and Section 51 of the Planning Act, R.S.O. 1990 lands it owns;

AND WHEREAS by agreement, dated the 18th day of June, 2018, and registered in the Registry Office for the Land Titles Division of Niagara South on the 19th day of September, 2018, as Instrument No. SN565510 (the “Site Plan Agreement”), Aiva Properties Ltd. did covenant and agree with the Town to perform certain works on the lands and premises therein described upon the terms and conditions therein contained;

AND WHEREAS buildings are to be constructed on the said lands in accordance with Schedule “B”, “C”, “D”, “E”, “F” and “G” of the said Site Plan Agreement, and in accordance with site plans filed in the office of the Town;

AND WHEREAS by registration of a declaration and description on the XXth day of October, 2019, as Instrument No. SN XXXXXX in the Land Registry Office for the Land Titles Division of Niagara South, the Condominium was established;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the sum of one dollar (\$1.00) now paid by each of the parties to each other (the receipt of which is hereby acknowledged), the parties hereto mutually covenant and agree as follows:

1. That every covenant, condition, provisio and stipulation contained in the Site Plan Agreement will apply and bind the Condominium in the same manner and with the same effect as if the Condominium had been a party to the said Site Plan Agreement and the Condominium covenants and agrees with the Town to do, observe, keep and perform every such covenant, condition, provisio and stipulation.
2. The Condominium shall obtain easement for services and road access that are necessary to service the Condominium but located on adjacent lands.

3. The Condominium shall ensure that all gas piping is installed prior to the commencement of site landscaping (including but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving. If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the Condominium. The Condominium will provide all easement(s) to Enbridge Gas Distribution at no cost that are required to service this development and any future adjacent developments. In the event a pressure reducing regulator station is required, the applicant is to provide a 3 metre by 3 metre exclusive use location that cannot project into the municipal road allowance. The final size and location of the regulator station will be confirmed by Enbridge Gas Distribution's Customer Connections department.
4. The Condominium agrees to meet the requirements of Sections 6.6.4 and 6.6.5 of the Fire Code with respect to maintenance and testing of fire hydrant(s).
5. The Condominium agrees to grant the Town, its servants, agents and assigns permission to enter upon the lands for the purpose of the inspection and maintenance of all water meter chambers and ensure that the area in and around the water meter chamber is made free and clear of all encumbrances, at all times, which may interfere with such tasks.
6. The Condominium shall ensure that no storm, surface or roof water or weeping tiles be discharged into the sanitary sewer system.
7. The Condominium agrees to include a clause within all offers of purchase and sale advising prospective purchasers that private roadways are subject to a Condominium Corporation and agreements for maintenance, snow removal and garbage pick-up. The Condominium further agrees that all laneways are to be kept free and clear of vehicles to ensure that emergency service, snow removal and waste collection vehicles have continued access and that failure to comply with this clause will result in ticketing and potentially towing. In addition, all snow stockpiling must take place within the condominium property.
8. The owner agrees that servicing allocation for the condominium will not be assigned until the plan is registered.
9. Purchasers/Tenants are advised that waste collection for the townhouse development will be provided by the Niagara Region through curbside collection. Containers must be placed at the entrance located on the shared private road or assigned waste collection pad and each container must be marked with the appropriate unit number.

10. That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the developer/owner for units 1-9 at the location on the thru street. The waste collection pads shall be constructed in accordance with details outlined in the Niagara Region’s Corporate Policy for waste collection.
11. That all Agreements of Purchase and Sale or Lease include a warning clause advising that due to the site layout, units 1-9 will be required to bring all waste to the designated collection pads in order to be eligible to receive Regional waste collection pick up.
12. The Condominium agrees that no condominium unit shall be conveyed and that no transfer of such unit shall be registered unless and until such time as this Agreement has been registered on title.
13. The Condominium shall pay the Town’s costs in connection with this Agreement for the preparation, processing, administration and supervision including, but not limited to, all administrative, legal, inspection and consulting expenses.
14. The Condominium consents to the registration of this Agreement against the title to the lands described in Schedule “A”.
15. This Agreement and everything herein contained shall enure to the benefit of and be binding upon the parties hereto and their successors and assigns and upon those persons or corporations hereafter acquiring title to all or any part of the lands described in Schedule “A”.

IN WITNESS WHEREOF the parties hereunto have executed this Agreement as of the date and year first above written.

WITNESS

AIVA PROPERTIES LTD.

(printed name)

(printed name)

(signature)

(signature)

(date)

(date)

☐ I have the authority to bind the Corporation

THE CORPORATION OF THE TOWN OF PELHAM

Mayor Marvin Junkin

Clerk Nancy J. Bozzato

DRAFT

SCHEDULE "A"

Legal Description

PIN 64063-0446 (LT)

PT BLK B PL 717 PART 1 ON PLAN 59R-15848; SUBJECT TO AN EASEMENT AS IN SN567518;
SUBJECT TO AN EASEMENT AS IN SN567617; TOWN OF PELHAM, REGIONAL MUNICIPALITY OF
NIAGARA;

DRAFT

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #4169(2019)

**Being a by-law to adopt, ratify and confirm the actions of
the Council at its regular meeting held on the 21st day of
October 2019.**

WHEREAS Section 5 (3) of the Municipal Act, S.O. 2001, Chapter M.25, as amended, provides that, except if otherwise authorized, the powers of Council shall be exercised by by-law;

AND WHEREAS it is deemed desirable and expedient that the actions of the Council as herein set forth be adopted, ratified and confirmed by by-law;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

- (1)
 - (a) The actions of the Council at its meeting held on the 21st day of October, 2019, including all resolutions or motions approved, are hereby adopted, ratified and confirmed as if they were expressly embodied in this by-law.
 - (b) The above-mentioned actions shall not include:
 - (I) any actions required by law to be taken by resolution, or
 - (II) any actions for which prior Ontario Municipal Board approval is required, until such approval is obtained.
- (2) The Mayor and proper officials of the Corporation of the Town of Pelham are hereby authorized and directed to do all things necessary to give effect to the above-mentioned actions and to obtain approvals where required.
- (3) Unless otherwise provided, the Mayor and Clerk are hereby authorized and directed to execute and the Clerk to affix the seal of the Corporation of the Town of Pelham to all documents necessary to give effect to the above-mentioned actions.
- (4) THAT this by-law shall come into force on the day upon which it is passed.

READ, ENACTED, SIGNED AND SEALED
THIS 21st DAY OF October, 2019 A.D.

MAYOR MARVIN JUNKIN

TOWN CLERK, NANCY J. BOZZATO