

**Committee of Adjustment
Minutes**

Meeting #: CoA GM 01/2020
Date: Thursday, February 20, 2020
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Donald Cook
 Sandra Marsh
 Bill Sheldon
 Bernie Law

Members Absent John Klassen

Staff Present Nancy Bozzato
 Holly Willford
 Sarah Leach
 Barbara Wiens
 Jason Marr
 Derek Young

1. Attendance

Committee Members and relevant Town of Pelham staff.

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.

3. Disclosure of Pecuniary Interest and General Nature Thereof

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

4. A Year In Review

4.1 Jason Marr - Director of Public Works

Jason Marr, Director of Public Works and Derek Young, Supervisor of Engineering made a presentation to the Committee Members detailing the review process taken by Public Works when receiving a minor variance or consent application.

A Member asked if the Town could enforce the subdivision agreement registered on title regarding grading when title searches often do not go past forty years. In response, Mr. Young indicated the Town reviews grading and grading plans are required at building permit stage. In addition, Mr. Young discussed the Town's storm sewer infrastructure.

A Member commented the Committee would like to ensure Public Works receives all required grading and drainage plans when needed and to ensure capacity. In response, Mr. Young indicated Public Works reviews all applications with this in mind and requests condition when appropriate. Mr. Young further stated the Town uses consultants, which have a wastewater modelling system of the Town's infrastructure and run capacity tests when appropriate.

A Member asked if the Town would solve the sewer system issues especially with the Town being looked to provide intensification. In response, Barb Wiens, Director of Community Planning and Development indicated the Town's Senior Leadership Team looks at this during budget time and where replacements or improvements need to be made. Ms. Wiens discussed the Town of Pelham's 5 Year Capital Plan.

A Member indicated he feels minor variance applications can unlock planning and servicing issues. In response, Ms. Wiens reinforced that applications are reviewed and modeling of our systems are reviewed to determine if the Town's infrastructure can accommodate the additional development. The Member indicated he believes a Secondary Plan would be required. In response, Ms. Wiens indicated Secondary Plans are created for new development areas not small areas.

Mr. Young stated to the Committee the Town's servicing issues are the Town's issues and not the Committee's issue. He stated the Committee should focus on determining if the application should be approved or not. Mr. Young further stressed the Committee should request conditions which relate to the minor variance itself. In addition, Ms. Nancy Bozzato, Secretary-Treasurer to the Committee of Adjustment stated municipal staff

are responsible ultimately for servicing and the Committee is responsible for weighing the evidence to make a decision – grant or refuse. All staff further indicated they are happy to take calls and answer questions prior to the hearing.

4.2 Barb Wiens - Director of Community Planning and Development

Ms. Barb Wiens, Director of Community Planning and Development made a presentation to the Committee Members detailing the review process taken by the Planning and Building Department when receiving a minor variance or consent application.

A Member asked if the Town may request a condition for road widening. In response, Ms. Wiens indicated the Town may request a condition for road widening to meet Official Plan requirements. The Member asked Ms. Wiens about municipal drainages and ditches. In response, Ms. Wiens indicated sometimes the Town enters into easement agreements with landowners in order to access lands.

Ms. Wiens discussed the four tests for minor variance in detail. A Member stated he likes the Planning Departments Recommendation Report with regards to policy however would like more of the 'soft' side to be addressed. In response, Ms. Wiens indicated her department can broaden their discussion within the report.

Ms. Bozzato stated that the Committee does not have to agree with the Planning Department's Recommendation Report, the Planning Department will not be offended, however the Committee is required to provide reasons in their decision. Ms. Bozzato reminded the Committee they are required to make a separate decision on each minor variance request.

A Member asked if the municipal planners visit each site. In response, Ms. Wiens indicated yes, the planners do site visits. Mr. Young also advised the public works staff also perform site visits.

Ms. Wiens discussed conditions to consent applications and why the Town and other commenting agencies request conditions. Ms. Wiens emphasized the importance of creating conditions the applicant can fulfil and that relate to the application. Ms. Bozzato echoed these sentiments and provided examples. Each further discussed the sign off process regarding fulfilling conditions within the Town.

4.3 Reflections on 2019 - A Year in the Rearview Mirror

Ms. Bozzato opened a round table discussion and asked if any Members had comments. Staff emphasized their willingness to work with Committee of Adjustment Members on answering any questions they have prior to any up-coming meetings.

A Member asked if engineering staff could attend contentious meetings. In response, Ms. Bozzato indicated Town staff can never know when a hearing will, or will not be contentious. Ms. Bozzato advised the Town's process of receiving public comments. In addition, Mr. Young indicated he or a member of his staff would attend Committee meetings going forward.

Discussion in regards to public comments being read aloud was discussed; however the Committee members indicated they prefer the current structure. Ms. Bozzato discussed the requirements of a fair hearing and the power point changes staff have made to make clear to the gallery no decisions have been made in advance of the meeting.

A Member asked if the Planning Department is required to provide a recommendation of approval or refusal. In response, Ms. Wiens indicated the Planning Department is not required to provide a recommendation however this is best practice and less likely to cause confusion. Ms. Bozzato stated the Planning Department report is a planning analysis and will help the Committee understand if the application complies with planning policy. Through conversation, the Committee determined to keep the process as is.

5. Committee of Adjustment - Housekeeping Matters

Ms. Bozzato reminder the Committee Members of hearing decorum and protocols.

6. Proposed Administrative Changes

Ms. Bozzato stated staff would like to have consent applications heard first on the agenda and then minor variance applications. This is logical when a consent and minor variance application are filed concurrently. The Committee through consensus agreed to this change.

Ms. Bozzato indicated staff is suggesting to read the power point presentation if members of the public are present to hear the application. A Member asked

what the legislation indicates is required. Ms. Bozzato indicate legislation does not require the material to be read into the record and reminded the Committee of the complete full electronic record. Members indicated it is their preference to maintain current practice and the presentation will continue to be read aloud into the record.

Ms. Bozzato stated the Committee has received complaints in the past that the Committee of Adjustment is a rubber stamping committee. Ms. Bozzato stated this is not true, however it is important for the Committee to provide reasons for decisions and conditions. Ms. Bozzato indicated the 'cheat sheet' provided to the Committee in an effort to aid the Committee and will become more point form, however all reason's and decisions would remain in full on the Notice of Decisions. The Members agreed.

7. Minutes

Moved By Sandra Marsh

Seconded By Bill Sheldon

That the minutes of the December 3, 2019, Committee of Adjustment Hearing be approved.

Carried

Moved By Bernie Law

Seconded By Bill Sheldon

That the minutes of the January 14, 2020, Committee of Adjustment Hearing be approved.

Carried

Moved By Sandra Marsh

Seconded By Bernie Law

That the minutes of the January 28, 2020, Committee of Adjustment Hearing be approved.

Carried

8. Adjournment

Moved By Bill Sheldon

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 February 25, 2020 at 5:30 pm.

Carried

Don Cook, Chair

Secretary-Treasurer, Nancy J. Bozzato