

## REGULAR COUNCIL Agenda Addendum

C-08/2023

Wednesday, April 19, 2023

9:00 AM

Meridian Community Centre - Accursi A and B

100 Meridian Way

Fonthill, ON

L0S 1E6

The Town of Pelham is holding hybrid meetings of Council and Committee in accordance with Procedure By-law 4507(2022). Public access to meetings will be provided in-person at the location indicated on the agenda, via Livestream: [www.youtube.com/townofpelham/live](https://www.youtube.com/townofpelham/live) and subsequent publication to the Town's website at [www.pelham.ca](http://www.pelham.ca).

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Pages

### 5. Hearing of Presentation, Delegations, Regional Report

#### 5.1 Delegations

##### 5.1.3 John and Joyce Sonneveld re: Town of Pelham Drainage Study for the Farr, Webber and River Road Area

*5.1.3.1	John and Joyce Sonneveld - Appendices to Item 5.1.3	2 - 6
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*5.1.4	Ian McTaggart re: Town of Pelham Drainage Study for the Farr, Webber and River Road Area	7 - 9
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Timed item: Following Drainage Consultant at 11:00 am

## Drainage issues Farr and Webber



# Flooding Oct 2021

Flooded field-  
never had  
flooded to that  
extent before



View from the road,  
foreground shows  
ditch at Farr Street,  
pushing water onto  
our farm field in the  
background

Rerouted ditch  
in the Farr area  
development  
flooding Farr  
Street Ditch

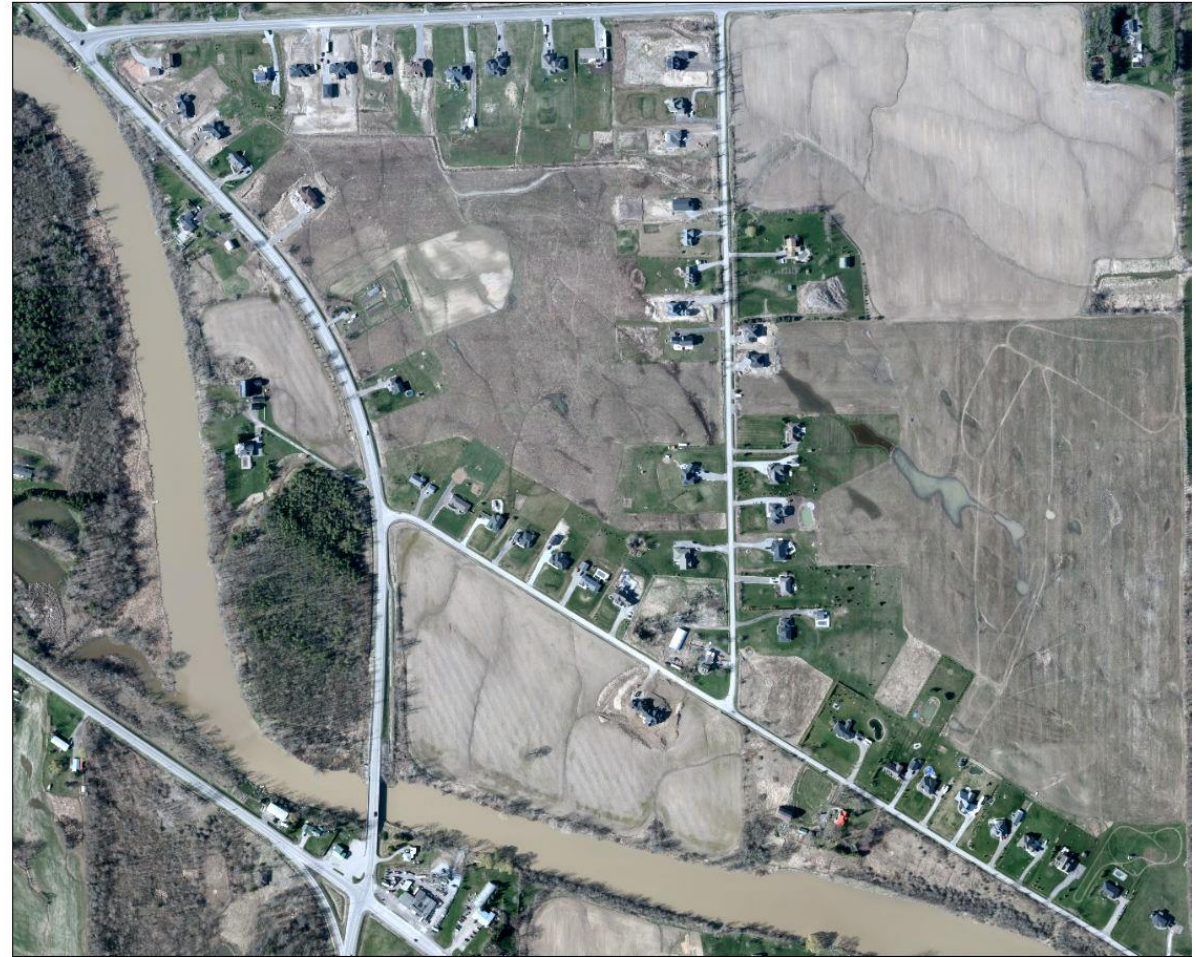


View from the road,  
drainage issues and  
fill placement at the  
250 Farr St area  
development  
pushing water into  
the Farr Street Ditch

2006



2020



- Productive farmland turned into uncontrolled development
- No water management plan
- Flooding now occurring on more farmland
- Permanent long term measures (eg municipal drain) need to be in place to protect farmland from more flooding
- Flooding problem will not correct itself, and will only get worse.

Dear Council of the Town of Pelham:

April 17, 2023

We are addressing you about the unnaturally collected water that is being directed onto our property from Farr Street. Our comments are broken into 3 parts: The Ahydtech report, the Staff Report and a Summary.

*This report was prepared with the assistance of Sid Vander Veen, P.Eng. Sid served as Drainage Coordinator with the Ontario Ministry of Agriculture, Food and Rural Affairs for 28 years. In that position, he was responsible for the administration of the Drainage Act on behalf of the province. Sid has taught hundreds of courses and training sessions on the Drainage Act. He is currently employed by R. J. Burnside & Associates Limited as a Drainage Specialist*

#### Ahydtech Report:

- The Ahydtech report contains some very good information including an acknowledgement that the subdivision development has altered drainage patterns between Victoria Avenue and Farr Street. These alterations have resulted in additional flows being directed onto Farr Street and then further onto our land. Under the Common Law, surface water that is collected and directed onto land that does not naturally receive it, can be held liable for damages. Therefore, the report proves that the Town is in a position of liability for directing water onto our land.
- A significant part of the report focuses on resolving the drainage issues in the subdivision. Yet the report does not identify any statute law that requires the Town to take any action to resolve these drainage issues.

#### Staff Report

- Page 9 of the staff report acknowledges that the Town can sign a Drainage Act petition as a **property owner**. In order to be valid, a property owner petition must meet certain majority criteria. But the staff report does not acknowledge that the Town can also sign a petition as a **road authority**. Section 4(1)(c) of the Drainage Act grants road authorities that are experiencing drainage issues with the special power to initiate the municipal drain process with the signature of the road authority only. If the road authority for Farr Street had signed a petition to resolve the potential legal issues the road is currently facing, the Drainage Act process could have been initiated long ago. Why does the Town continue to procrastinate?
- Page 9 of the staff report also states that *"Note, if the petition is deemed not valid by the Drainage Engineer, the design work would not proceed, and no costs are incurred by those who signed the petition."* This is inaccurate as indicated in Section 9(4) of the Drainage Act which states *"Where the engineer is of opinion that the petition does not comply with section 4, the engineer shall so report to the council of the initiating municipality stating wherein the petition is deficient, the amount of the engineer's fees and by whom they shall be paid, and the council shall forthwith send a copy of such opinion to each petitioner."* Normally, when a petition is not valid, it is the petitioners that are assigned responsibility for the costs incurred to date.

- The staff report spends a great deal of time focusing on actions that could be taken to help resolve the drainage issues in the subdivision, but we are not aware of any statutory duty for the Town to resolve these issues. Why doesn't the Town provide the property owners with information about legal tools that are available (e.g. petition, agreement, etc.) for them to resolve their issues. At the same time, the Town seems to neglect their liability for directing water onto our property and is not suggesting any corrective action to resolve them.
- In various locations, the staff report suggests that ditching along Farr Street could help alleviate the problems. However, if this action is taken, it could result in a greater volume and/or concentration of water being directed onto our (Sonneveld) lands.

Summary:

- If the Town continues to allow Farr Street to accept water that is being generated from the subdivision and direct that water onto our property, we will take the necessary actions that are legally available to us to protect our property from your actions.
- If the Town undertakes ditching along Farr Street that results in additional water being directed onto our property, we will take the necessary actions that are legally available to us to protect our property from your actions.

John & Joyce Sonneveld  
River Bend Farms

Please fill out and return no later than 12 p.m. noon ten (10) days prior to the Meeting you wish to appear. Completed forms, including presentation materials are to be submitted to the Clerk's department and can be dropped off or emailed to [clerks@pelham.ca](mailto:clerks@pelham.ca)

Name or Organization or Firm: <u>IAN McTAGGART &amp; BRUCE DRESSEL</u>	
Name and Title of Presenter(s): <u>IAN McTAGGART</u>	
Address: <u>888 RIVER ROAD FENWICK</u>	
Telephone: <u>289 214 2061</u>	Email: <u>UNDERKILT@YAHOO.CA</u>

Date of Meeting Requested: APRIL 19TH


How will you attend Council? ☐ In-person ☒ Electronically  
 \*The delegate shall notify the Clerk at least five (5) business Days in advance.

Subject matter to be discussed:	<u>LOCAL DRAINAGE ISSUES</u>
If not for information, identify the desired action requested:	

**Have you previously spoken on this issue?** ☐ Yes ☒ No  
 If a group or individual has previously appeared as a delegate, a further delegation from the same group or individual on the same topic will not be permitted, unless there is significant new information to be brought forward.

**Do you have presentation material or speaking notes?** ☒ Yes ☐ No  
 Delegations are required to provide the Clerk's department presentation materials for publication in Council's agenda package. Materials must be provided no later than 12 p.m. noon ten (10) days prior to the Meeting.

I have read and understand the Delegation Protocol attached to this form and understand that the information contained on this form, including any attachments submitted, will become public documents and listed on the Town's meeting agenda and posted to the Town's website. I also understand that as a participant of this meeting, I will be recorded and further understand that this recording will be posted to the Town of Pelham's YouTube Channel.

  
 Signature

2023/04/15  
 Date

- I. McTaggart [REDACTED] River Rd. Fenwick
- B. Dressel [REDACTED] River rd. Fenwick

Related permits NPCA 202100941, Pelham environmental #E7-2022

1/ No indication of what is happening to the ditch or swale currently in the north, north west area of the indicated property, currently blocked by the movement of the overburden and deposited in the water course. This of course obstructs the natural flow of water runoff from the west under Farr rd. and apparently only allows a small amount of water to find it's way using the roadside ditch to the discharge point under river rd. at the South east corner of the property in the area designated as flood plain. (This discharge point is now not allowing water to flow unobstructed)

(it is my understanding from the previous meeting re. drainage in this area that roadside ditches are only designed to handle the road pavement runoff not drainage runoff.)

2/ The flood plain area natural area has already had the overburden disrupted to the point that a large deposit of material has been placed in the middle of the natural swale causing the water to back up onto adjoining properties.

3/ if the drawing is accurate it is proposed to miss align the Hazard H area to the undersize and damaged culvert under river road creating a bottleneck restricting the natural flow of water.

4/ Does the flood plain Natural area affect only the property at 897 river rd. or does it in fact effect 895 river rd. as well and just not shown on the mail out. Both properties have already brought in fill to the respective sites.

5/ The permit request is for a single detached dwelling, looking at the mail out the location of the septic bed eliminates the pond drain to the swale at the north side of the property

6/ Why is there a zoning request application being brought forward now when the overburden has already been removed and multiple loads of fill brought in with some of that fill then removed and an order to stop work.

7/ I believe the Town is trying to work towards a resolution to a flooding issue being caused by an unnatural restriction of water flow in the area of Regional rd. 24 and Weber rd. This information from a previous meeting with the town of Pelham. To my knowledge this issue has not been resolved at this time. The problem seems to have been created when a number of property owners took it on themselves to correct an existing water problem that has now morphed into a much larger and more serious issue. I would ask why you would create the same issue that you are currently dealing with and have no resolution.

8/ How will this application to alter the flood plain and modify or move the existing swale or swales on the property adversely affect the adjacent and surrounding properties.

9/ Re. environmental By-Law 3357-2013 states that they will not disturb the proper function of the ditches, swales ponds, septic beds or systems, lot grading, drainage, or natural habitats on the destination site or properties adjacent to the destination site. At this time both swales, ditches (one in the north west corner of the property and the other on the east side of the property from north to south) have large deposits of the overburden directly in both, disrupting the natural flow of water in the area.

10/ Has there been a study of impact to surrounding properties pertaining to the flow of water and to the possible rise in water table or effects of cutting drainage tiles on the property. It is understood that this property has large underdrainage tiles that drains the parcel of land from River Rd, Farr St, Webber Rd and Church St to the river.

11/ If these tiles are disturbed how will it effect the surrounding properties?

12/ The culvert under River Rd that carries water from the said property at a flow from north (River RD and Farr St) to south (going to the Welland river) is blocked and is not of a large enough diameter to handle the amount of water flowing through it.

13/ Ditching from 875 to 897 River Rd has been asked numerous times to be addressed. The ditches are not deep enough to handle the water and are overflowing at 885 River Rd effecting the flooding of the front of property at times. Culverts need to be lowered and deeper ditches and steeper grade.

14/ The flood plain area needs to be re-established to the original elevation before it was disturbed as it has been altered with fill.

15/ It appears that there is a road allowance from River Rd to the Welland river along Farr St, can there be a swale put in place to help with the flow of water from the culvert at 897 River Rd to the Welland River.

16/ Please keep in mind that this is not a NIMBY response. I / We have no issue with the building of single family residences in the area as long as doing so does not impact the ability to enjoy My / Our existing properties. The issue being brought forward and reinforced by the number of property owners responding is that we must protect our properties first and foremost. This only means that proper measures must be put in place before any building in the area is allowed to move forward.

We, Ian McTaggart [REDACTED] River RD and Bruce Dressel [REDACTED] River Rd would like to be notified of the outcome of the findings of meeting AM-01-2023 and any steps or action going forward as per the towns request to do so.

Ian McTaggart, [REDACTED] River Rd, Fenwick On. [REDACTED]

Bruce Dressel, [REDACTED] River rd, Fenwick On. [REDACTED]