

Board Hearing #1/16

January 27, 2016

DIRECTORS PRESENT: Art Versteeg, Jim Campbell, Deb Shewfelt, Alvin McLellan, Wilf Gamble, Paul Gowing, Bob Burtenshaw, David Turton

ABSENT WITH REGRETS: Roger Watt

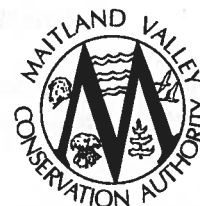
ABSENT: Matt Duncan, Alison Lobb

STAFF PRESENT: Phil Beard, General Manager/Secretary-Treasurer
Danielle Livingston, Admin/Financial Services Coordinator
Jayne Thompson, Communications Coordinator
Stewart Lockie, Conservation Areas Coordinator
Stephen Jackson, Flood/Erosion Safety Coordinator
Jason Moir, FRCA Supervisor
Brandi Walter, Environmental Planner/Regulations Officer
Erica Ogden, Planning and Regulations Assistant

COMMUNITY ATTENDEES: Edward (referred to as Ted) and Christine Livingston

A roll call of the Hearing Board was taken by Danielle Livingston.

	<u>Present</u>	<u>Absent</u>
Art Versteeg	✓	
Jim Campbell	✓	
Deb Shewfelt	✓	
Alison Lobb		✓
Alvin McLellan	✓	
Bob Burtenshaw	✓	
David Turton	✓	
Matt Duncan		✓
Roger Watt		✓
Wilf Gamble	✓	



Hearing: Ontario Regulation 164/06: Livingston Development Application, Ashfield Ward, in the Township of Ashfield-Colborne-Wawanosh - Hearing Report #1/16 (attached).

Chair Art Versteeg began with his remarks.

We are now going to conduct a hearing under Section 28 of *the Conservation Authorities Act* in respect of an application by **Edward Livingston**., for permission to: **construct a cottage within the 100 year erosion hazard of the Lake Huron Shoreline on Part of Lots 37 & 36, Front Concession NTP, Township of Ashfield-Colborne-Wawanosh, Ashfield Ward, 86161 Churchill Drive, in the County of Huron.**

The Authority has adopted regulations under Section 28 of the *Conservation Authorities Act* which requires the permission of the Authority for development within an area regulated by the Authority in order to ensure no adverse **affect** on (the control of flooding, erosion, dynamic beaches or pollution or conservation of land) or to permit alteration to a shoreline or watercourse or interference with a wetland.

The Staff has reviewed this proposed work and a copy of the staff report has been given to the applicant.

The *Conservation Authorities Act* (Section 28 [12]) provides that:

“Permission required under a regulation made under clause (1) (b) or (c) shall not be refused or granted subject to conditions unless the person requesting permission has been given the opportunity to require a hearing before the Authority or, if the Authority so directs, before the Authority’s executive committee.”

In holding this hearing, the Authority Board/Executive Committee is to determine whether or not a permit is to be issued. In doing so, we can only consider the application in the form that is before us, the staff report, such evidence as may be given and the submission to be made on behalf of the applicant.

The proceedings will be conducted according to the *Statutory Powers Procedure Act*. Under Section 5 of the *Canada Evidence Act*, a witness may refuse to answer any questions on the ground that the answer may tend to **criminate** the person, or may tend to establish his/her liability to a civil proceeding at the instance of the Crown or of any person.

The procedure in general shall be informal without the evidence before it being given under oath or affirmation unless decided by the hearing members.

If the applicant has any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chair of the Board.

Flood/Erosion Safety Coordinator Stephen Jackson introduced applicants Ted and Christine Livingston to the Hearing Board and explained the nature and location of the subject application.

The applicant, Ted Livingston is requesting to reconstruct a 6329 square foot cottage within the 100 year erosion hazard adjacent to Lake Huron and has demonstrated through an engineered investigation that development can continue without impacting erosion and slope stability negatively.

The area is subject to Maitland Valley Conservation Authority's Shoreline Policies made under Ont. Reg. 164/06 which states; *"Development may be permitted, provided that the replacement structure is at a location satisfactory to the conservation authority."* and *"The replacement development will be required to be moved as far away from bluff as is feasible and still be able to attach to an onsite sewage disposal system."*

Hearing Report #01/16 is for the Boards review and to gain direction on the development application; Ontario Regulation 164/06: Livingston Development Application, Ashfield Ward, in the Township of Ashfield-Colborne-Wawanosh - Hearing Report #1/16 (attached).

Applicant Ted Livingston addressed the Hearing Board and stated he and Christine spent two years looking for property on Lake Huron and this one became available. Since that time, the Maitland Valley Conservation Authority staff has been very helpful through this process.

Chair Art Versteeg opened discussion from the public. No comments were made.

Members of the Hearing Board asked further questions about the potential of increased liability to the Authority if development proceeds and whether pillars will be supporting the structure.

Staff reported this structure doesn't pose an increased risk with the structural conditions placed upon this application.

This motion followed.

Motion HM #1/16

Moved by: Paul Gowing

Seconded by: Alvin McLellan

THAT the Hearing Board move in camera for a property development matter.

(carried)

At this time, all attendees left the meeting with the exception of the Hearing Board Members, General Manager/Secretary-Treasurer, and the Recording Secretary. One Director arrived at this time but didn't participate in any discussion or voting regarding this matter.

Motion HM #2/16

Moved by: Deb Shewfelt

Seconded by: David Turton

THAT the Hearing Board approves Application No. DEV01/2016 with the following conditions:

Conditions

1. All work must be carried out in conformance with the application (January 6, 2016); and the following:
 - a. Storm Water Assessment letter from GHD Limited and signed by Dilan Singaraja (dated January 8, 2016)
 - b. Geotechnical Investigation and Slope Stability Assessment Report from GHD Limited signed by Bruce Polan (dated January 7, 2016)
 - c. Geotechnical Comments of Storm Water Assessment from GHD Limited and signed by Bruce Polan (dated January 8, 2016)
 - d. Geotechnical Comments on Preliminary Foundation Plans from GHD Limited and signed by Bruce Polan (Dated January 8, 2016)
 - e. Overall Site Plan (Dated January 12, 2016)
 - f. Figure 1 General Location (Dated January 4, 2016)
 - g. Drawing C-01 Existing Conditions (Dated January 6, 2016)
 - h. Drawing C-02 Proposed Conditions (Dated January 6, 2016)
 - i. Drawing C-03 Sediment & Erosion Control Plan (Dated January 6, 2016)
 - j. Elevations (Dated January 10, 2016)
 - k. Floor Plans (Dated January 10, 2016)
 - l. Structural Drawings S1, S2.0, S2.1, S2.2, S3.0 (Dated December 30, 2015)
2. Final foundation plans must be submitted to MVCA prior to construction.
3. Final structural plans must be submitted to MVCA prior to construction.
4. Final storm sewer and exfiltration trench designs must be submitted to MVCA prior to construction.
5. A Geotechnical Engineer must review and approve the Final Foundation Plans prior to construction to confirm that slope stability will not be impacted and there is conformance with all the drawings, reports and letters submitted as part of the application. The Geotechnical Engineer must provide MVCA with a letter confirming the Engineer's review and approval prior to construction.
6. A Geotechnical Engineer must review and approve the final design for the storm sewer and exfiltration trench prior to construction to confirm that slope stability will not be impacted and there is conformance with all the drawings, reports and letters submitted as part of the application. The Geotechnical Engineer must provide MVCA with a letter confirming the Engineer's review and approval prior to construction.
7. A site survey must be submitted to MVCA prior to construction, completed by an Ontario Land Surveyor, confirming that all the proposed development including the exfiltration trench is located on the subject property.
8. A Geotechnical Engineer must be retained at the time of foundation construction to ensure that the recommendations provided in the GHD Limited Slope Stability Report have been followed and that subsurface conditions are found to be in conformance with the report. Within 30 days of foundation completion, the Engineer must provide MVCA with a letter on the conformance of the work with respect to said Slope Stability Report.
9. No excavated material or excess construction debris shall be deposited in any floodplain, wetland, river valley, ravine or other MVCA regulated area without the approval of MVCA. No material shall be permanently or temporarily placed on the face of the slope.
10. Any disturbed or exposed soils must be stabilized with native vegetation upon the completion of the work.
11. MVCA must be contacted upon commencement and completion of the work.

(carried)

Motion HM #3/16

Moved by: Jim Campbell

Seconded by: Wilf Gamble

THAT the Hearing Board move out of in camera and resumes regular session.

(carried)

Attendees that were excused from the closed session were invited back to regular session.

Chair Art Versteeg advised applicants Ted and Christine Livingston that the Hearing Board has decided to approve application No. DEV01/2016 with conditions as specified in the motion.

Motion HM #4/16

Moved by: Deb Shewfelt

Seconded by: Jim Campbell

THAT the Hearing Board now sits as Executive Committee.

(carried)



Art Versteeg
Chair



Danielle Livingston
Recording Secretary

