

## BOARD OF DIRECTORS MEETING

Thursday, April 17, 2014

Ausable Bayfield Conservation Authority Boardroom  
Morrison Dam Conservation Area

### DIRECTORS PRESENT

Dave Frayne, Paul Hodgins, Burkhard Metzger, Lorie Scott, Don Shipway, Ute Stumpf, Mike Tam, Janisse Zimmerman

### DIRECTORS ABSENT

Les Falconer

### STAFF PRESENT

Andrew Bicknell, Geoff Cade, Brian Horner, Kate Monk, Judith Parker, Alec Scott

### CALL TO ORDER

Chair Mike Tam called the meeting to order at 10:01 a.m. and welcomed everyone attending.

### ADOPTION OF AGENDA

#### **MOTION #BD 32/14**

**Moved by Lorie Scott**

**Seconded by Dave Frayne**

**“RESOLVED, THAT the agenda for the April 17, 2014 Ausable Bayfield Conservation Authority Board of Directors meeting be approved.”**

**Carried.**

### DISCLOSURE OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest at this meeting or from the previous meeting.

### DISCLOSURE OF INTENTION TO RECORD PROCEEDINGS

None

ADOPTION OF MINUTES**MOTION #BD 33/14****Moved by Lorie Scott  
Seconded by Ute Stumpf**

**“RESOLVED, THAT the minutes of the Board of Directors meeting held on March 20, 2014 and the motions therein be approved as circulated.”**

**Carried.**

BUSINESS OUT OF THE MINUTES

None

PROGRAM REPORT1. (a) Development Review

Andrew Bicknell, Regulations Coordinator presented the Development Review report pursuant to Ontario Regulation 147/06 Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. Through the application process, proposed developments within regulated areas are protected from flooding and erosion hazards. Staff granted permission for three *Applications for Permission* and three *Minor Works Permits* and 50 *Applications for Permission* with NextEra Energy Canada, ULC - Varna Wind, Inc and Goshen Wind Inc. projects.

1. (b) Violation/Appeals Update

Geoff Cade, Supervisor of Water & Planning reported that there were no violations at this time.

**MOTION #BD 34/14****Moved by Lorie Scott  
Seconded by Dave Frayne**

**“RESOLVED, THAT the Board of Directors affirm the approval of applications as presented in Program Report # 1 - Development Review.”**

**Carried.**

**MOTION #BD 35/14****Moved by Don Shipway  
Seconded by Dave Frayne**

**“RESOLVED, THAT the Board of Directors move out of the regular meeting and convene as a Hearing pursuant to Ontario Regulation 147/16 at 10:18 a.m.”**

**Carried.**

## HEARING

### **Pursuant to Ontario Regulation 147/06**

### **(Development, Interference with Wetlands and Alteration to Shorelines and Watercourses)**

#### DIRECTORS PRESENT

Dave Frayne, Paul Hodgins, Burkhard Metzger, Lorie Scott, Don Shipway, Ute Stumpf, Mike Tam, Janisse Zimmerman

#### DIRECTORS ABSENT

Les Falconer

#### OTHERS PRESENT

Dr. David Spence, Dr Anne Spence, Alan Patton, Doug Geoffrey

#### CALL TO ORDER

Chair Mike Tam called the Hearing pursuant to Ontario Regulation 147/06, to order at 10:18 a.m. for consideration of Application for Permission #2013-57. The Chair welcomed those attending and the applicant Dr. David Spence was introduced along with Dr. Ann Spence, Solicitor Alan Patton and agent Doug Geoffrey Construction. The procedures for conducting the Hearing were stated and Chair Tam asked Andrew Bicknell, Regulations Coordinator for the Ausable Bayfield Conservation Authority to provide details on the application.

Mr. Bicknell advised that the property is located at Lot 1, Concession LRW, former township of Hay, Municipality of Bluewater. The applicant proposes to reconstruct an existing building and has submitted a permit application to the ABCA. The existing building is located within the regulated flooding and erosion hazard limits at the toe of the lake bank. ABCA policies do not support the proposal in regard to the proposed location of the rebuild.

The existing building is located below the lake bluff at the toe of the lake bank entirely within Lakeshore Area 1 and the erosion hazard limit. The Authority's Lakeshore Development guidelines state that when development or rebuilding is contemplated, the hazards must be considered including assessment of lot area above and below the bluff. *Section 3.32.1 Replacement/Rebuilding of Habitable Buildings/Structures destroyed by forces other than flooding and/or erosion* (b) may be permitted within Lakeshore Area 1 provided the maximum lot depth (most landward location is utilized). Staff are not aware of any consideration toward relocating the rebuild easterly from the top of the lake bluff on land owned by Dr. Spence.

The basic objective of the shoreline policies is to minimize risk to life, property damage, social disruption and adverse environmental impacts. The policy is specific that in the case of a proposed rebuild, consideration be given to relocating the new building to a new location beyond the hazard limit. In the permit application, the replacement onsite sewage disposal system is proposed above the top of lake bank.

In conclusion, staff recommend that Application #2013-57 be denied.

The directors asked for clarification on the age of the building which Dr. Spence responded was 70 years old. In 2012, the applicant received permission from the ABCA to renovate the existing structure which included construction of a crawl space. The contractor now feels that the building would not survive being lifted for installation of the crawl space.

Chair Tam asked the lawyer for the applicant, Mr. Alan Patton of Patton Cormier & Associates, to make his presentation. Mr. Patton distributed handouts which included the topographic and lot grading sketch by D.Culbert Ltd., O.L.S., Bylaw #94-2013, enacted on September 24, 2013 by the Municipality of Bluewater to permit replacement/renovation of the cottage in the current location at the toe of the lakebank, plans and elevations of the existing and new dwelling, engineered drawings of wall and floor joists and email correspondence from the Chief Building Official of Bluewater stating he is satisfied that the sewage system envelope at the top of the bank is sufficient area for an on-site sewage system.

Mr. Patton commented that due to the fact the contractor feels the cottage would not survive being lifted, it is better to rebuild the existing structure to meet the current building codes. The applicant is proposing to improve the septic system and is not changing the location, size or volume of the structure. He contends that it would be safer, thereby reducing the risk to property. The municipality amended the zoning of the site from NE1 to NE1-9, even though the ABCA recommended the rezoning amendment be denied.

The directors asked for clarification on the zoning, high water marks and septic system location information. They also requested copies of the correspondence from the ABCA to the Municipality of Bluewater regarding the zoning amendment and a copy of permit #2012-34 approved by the ABCA in 2012 that permitted the construction of a crawl space. Mr. Patton agreed to the documents being provided to the directors during their deliberation.

#### COMMITTEE OF THE WHOLE

##### **MOTION #BD 36/14**

**Moved by Lorie Scott  
Seconded by Don Shipway**

**“RESOLVED, THAT the Hearing Board go into Committee of the Whole to discuss Application #2013-57 at 11:16 a.m. with Brian Horner and Judith Parker remaining in attendance.”**

**Carried.**

##### **MOTION #BD 37/14**

**Moved by Paul Hodgins  
Seconded by Don Shipway**

**“RESOLVED, THAT the Hearing Board rise and report at 11:55 a.m.”**

**Carried.**

**MOTION #BD 38/14**

**Moved by Paul Hodgins  
Seconded by Don Shipway**

**"RESOLVED, THAT the Board of Directors concur with the staff recommendation and deny Application #2013-57 pursuant to Ontario Regulation 147/06."**

**Carried.**

Those attending the Board meeting returned to the boardroom and Chair Tam advised them of the Board's decision.

ADJOURNMENT OF HEARING

**MOTION #BD 39/14**

**Moved by Dave Frayne  
Seconded by Paul Hodgins**

**"RESOLVED, THAT the Hearing be adjourned at 12:00 noon and the Board of Directors reconvene in the regular meeting."**

**Carried.**

PROGRAM REPORTS

2. Zurich Walking Trail

Kate Monk, Stewardship, Land and Education Manager provided a report from Mark Cassidy, Coordinator Economic Development for the Municipality of Bluewater regarding the proposed walking trail in Zurich. The south portion of the two kilometer trail is proposed at the Zurich Conservation Area. The site will be challenging for development, maintenance and use because of wet conditions but the community is enthusiastic for the trail.

**MOTION #BD 40/14**

**Moved by Lorie Scott  
Seconded by Dave Frayne**

**"RESOLVED, THAT the Ausable Bayfield Conservation Authority staff work with the community group to develop a trail at Zurich Conservation Area which does not have a negative impact on the unique natural area but can meet the needs of the community for a walking trail."**

**Carried.**

3. Freedom of Information & Protection of Privacy

Brian Horner, General Manager advised that a resolution from the Board is required to name a Freedom of Information and Privacy Coordinator for the ABCA, subsequent to the retirement of Tom Prout as General Manager.

**MOTION #BD 41/14**

**Moved by Don Shipway  
Seconded by Lorie Scott**

**“RESOLVED, THAT the General Manager/Secretary Treasurer of Ausable Bayfield Conservation Authority be appointed its Freedom of Information and Privacy Coordinator.”**

**Carried.**

4. Quarterly Financial Statement

Brian Horner presented the Statement of Profit & Loss for January through March 2014.

**MOTION #BD 42/14**

**Moved by Lorie Scott  
Seconded by Ute Stumpf**

**“RESOLVED, THAT the quarterly financial statement to March 31, 2014 be received as presented.”**

**Carried.**

GENERAL MANAGER’S REPORT

Brian Horner provided a written report with a brief update on the progress of various projects, staff training and development, upcoming meetings and activities held over the previous month.

COMMITTEE REPORTS**MOTION #BD 43/14**

**Moved by Dave Frayne  
Seconded by Lorie Scott**

**“RESOLVED, THAT the minutes of the Ausable Bayfield Maitland Valley Joint Management Committee meeting held on March 7, 2014 and the motions therein be approved as presented.”**

**Carried.**

CORRESPONDENCE

- a) Reference: Thank you  
File: A.5.1  
Brief: A note of thanks from Kari & Ian Jean for the support received following the passing of her grandmother.
- b) Reference: Thank you  
File: A.5.1  
Brief: A note of appreciation from Bob Norris who was named Conservationist of the Year by the ABCA

- c) Reference: A.D. Latornell Symposium  
File: P.7.3  
Brief: Preliminary notice of the upcoming symposium to be held November 18-20th.
- d) Reference: Wind Energy Concern  
File: A.7.2.25  
Brief: Diane Waun from Exeter circulated for the Board's information, a news article from Orangeville.com where Dufferin Wind Energy requested the Nottawasaga Valley CA Board of Directors disregard the *Conservation Authorities Act* regulations and approve four building permits related to a wind project that did not have landowner consent.
- e) Reference: ATV Access  
File: L.18.7  
Brief: Correspondence from Shane Barker of North Middlesex opposing the Board's decision to prohibit ATV and dirt bikes on all Authority owned properties.
- f) Reference: Conservation Ontario  
File: A.7.1  
Brief: Copies of the 2013 Conservation Ontario Annual Report are now available at the office or on the Conservation Ontario website.

**MOTION #BD 44/14**

**Moved by Lorie Scott  
Seconded by Paul Hodgins**

**“RESOLVED, THAT all correspondence not specifically dealt with be received and filed.”**

**Carried.**

**NEW BUSINESS**

Lorie Scott inquired whether staff were familiar with fracking and whether this was a concern on any ABCA properties. Staff will investigate and bring a report back to a future meeting.

**COMMITTEE OF THE WHOLE****MOTION #BD 45/14**

**Moved by Lorie Scott  
Seconded by Janisse Zimmerman**

**“RESOLVED, THAT the Board of Directors go into Committee of the Whole to discuss personal, property and financial matters at 12:26 p.m. with Brian Horner, Kate Monk and Judith Parker remaining in attendance.”**

**Carried.**

**MOTION #BD 46/14**

**Moved by Burkhard Metzger  
Seconded by Ute Stumpf**

**“RESOLVED, THAT the Board of Directors rise and report at 12:37 p.m.**

**Carried.**

**MOTION #BD 47/14**

**Moved by Dave Frayne  
Seconded by Paul Hodgins**

**“RESOLVED, THAT Gary Brenner, be appointed as a Patrol Officer for  
Section 29 of the *Conservation Authorities Act* and *Trespass to Property Act*.**

**Carried.**

**ADJOURNMENT**

The meeting was adjourned at 12:36 p.m.

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Mike Tam  
Chair

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Judith Parker  
Corporate Services Coordinator

*Copies of Program Reports are available upon request.  
Contact Judith Parker, Corporate Services Coordinator.*