

BOARD OF DIRECTORS MEETING

Thursday, September 20, 2018

Ausable Bayfield Conservation Authority Boardroom
Morrison Dam Conservation Area

HEARING

Pursuant to Ontario Regulation 147/06

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

DIRECTORS PRESENT

Ray Chartrand, Doug Cook, Dave Frayne, Jim Ginn, Wayne Hall, Bob Harvey, George Irvin, Brian Ropp, Mike Tam

STAFF PRESENT

Geoff Cade, Brian Horner, Daniel King, Kate Monk, Judith Parker, Meghan Tydd-Hrynyk

OTHER PRESENT

Dave Syrowik, Jonathan Pisarczyk, Anna Lee Baroudi, Bruce Pinchin
Sue Haskett, Robin Glenney - Bluewater Shoreline Residents' Association
Leslie Myers, Zena Besterd - Beach O Pines Association
Bob Montgomery - CKNX Radio

CALL TO ORDER

Vice Chair Doug Cook indicated he had involvement with applicant through the municipal Court of Revision, but did not feel it was a conflict of interest.

Chair George Irvin called the Hearing pursuant to Ontario Regulation 147/06, to order at 10:02 a.m. for consideration of Application for Permission #2018-18. The Chair welcomed those attending - Solicitor Anna Lee Baroudi, Applicant Dave Syrowik and Jonathan Pisarczyk and Bruce Pinchin, P.Eng. of Shoreplan Engineering Ltd.

The procedures for conducting the Hearing were stated and Chair Irvin asked Meghan Tydd-Hrynyk, Planning and Regulations Officer to provide details on the applications.

Ms. Tydd-Hrynyk advised that the subject property is located in the Municipality of Lambton Shores at 7292 Leighton Drive, Port Franks. The cottage is on a dynamic beach within Lakeshore Area 1 regulated area . The landowner is requesting permission to close two openings in partition walls and re-commission a lower level bathroom.

ABCA has regulatory responsibility under Ontario Regulation 147/06 Section 2.(1) to ensure that development is prohibited adjacent to the shoreline affected by dynamic beaches and within the 100 year flood level. In the Shoreline Management Plan (2000) Section 3.3.7 Lakeshore Development Guidelines, minor additions are not permitted in Lakeshore Area 1.

As background, the subject property received permission in 2013 to renovate a crawl space with the condition that the basement remain unfinished and not habitable. In 2015, staff received a complaint that the conditions of the permit had not been met, and the basement area now had bedrooms, laundry rooms and bathroom. A violation notice was issued to the contractor and landowner with subsequent agreement to open the partition walls and disconnect the plumbing. An interior entrance to the basement was allowed to remain.

In July 2018, a new *Application for Permission* was submitted requesting a permit to re-close the partitions and reconnect the plumbing. It is the staff's recommendation that the new application does not meet comply with the *ABCA Policy and Procedures Manual for Administering Ontario Regulation 147/06 or the Shoreline Management Plan (2000)*.

The Chair asked Annalee Baroudi, Solicitor to present on behalf of the applicant. It is the position of the applicant that interior alterations do not need a permit from the conservation authority. Reference was made to Section 3.28 of the *ABCA Policy and Procedures Manual for Administering Ontario Regulation 147/06* where it describes the types of development not subject to review. Section 3.29 references non-structural interior alterations to existing buildings and states no restrictions within the dynamic beach hazard, however staff will encourage the goals for no development within this hazard. Mr. Bruce Pinchen, P.Eng. of Shoreplan Engineering Ltd., provided comments that the impact to dynamic beach processes is caused by the dwelling itself and not the interior design, contents or use. Ms. Baroudi acknowledged that her client was in violation with the previous application and had completed remedial work as required by the ABCA. On behalf of Mr. Syrowik, she requested that the current *Application for Permission* be approved or that the ABCA provide written correspondence to the municipal building department stating there is no permit required.

COMMITTEE OF THE WHOLE

MOTION #BD 73/18

**Moved by Dave Frayne
Seconded by Ray Chartrand**

“RESOLVED, THAT the Board of Directors go into Committee of the Whole at 11:08 a.m. to discuss information presented in the Hearing with Brian Horner and Judith Parker remaining in attendance.”

Carried.

MOTION #BD 74/18

**Moved by Jim Ginn
Seconded by Doug Cook**

“RESOLVED, THAT Committee of the Whole rise and report at 11:25 a.m.”

Carried.

Those in attendance at the Hearing were invited back into the boardroom and the Chair asked the Board for a decision.

Motion #BD 75/18

**Moved by Ray Chartrand
Seconded by Dave Frayne**

“RESOLVED, THAT the Ausable Bayfield Conservation Authority Board of Directors support the staff recommendation and deny Application #2018-18 pursuant to Ontario Regulation 147/06 Development, Interference with Wetlands and Alteration to Shorelines and Watercourses.”

Carried.

ADJOURNMENT

The Hearing was adjourned at 11:25 a.m. and the applicants left the Hearing. The Board moved into the regular Board of Directors meeting.

BOARD OF DIRECTORS MEETING

DIRECTORS PRESENT

Ray Chartrand, Doug Cook, Dave Frayne, Jim Ginn, Wayne Hall, Bob Harvey, George Irvin, Brian Ropp, Mike Tam

STAFF PRESENT

Geoff Cade, Brian Horner, Ian Jean, Daniel King, Kate Monk, Judith Parker, Meghan Tydd-Hrynyk

OTHER PRESENT

Sue Haskett, Robin Glenney - Bluewater Shoreline Residents’ Association
Leslie Myers, Zena Besterd - Beach O Pines Association
Bob Montgomery - CKNX Radio

CALL TO ORDER

Chair George Irvin called the Board of Directors meeting to order at 11:30 a.m. and welcomed everyone in attendance.

ADOPTION OF AGENDA

MOTION #BD 76/18

**Moved by Jim Ginn
Seconded by Wayne Hall**

“RESOLVED, THAT the agenda for the September 20, 2018 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 77/18

**Moved by Dave Frayne
Seconded by Doug Cook**

“RESOLVED, THAT the minutes of the Board of Directors meeting held on July 19, 2018 and the motions therein be approved as circulated.”

Carried.

BUSINESS OUT OF THE MINUTES

Structure Maintenance - Walker Drain

Geoff Cade, Water & Planning Manager advised there will be a report at a future meeting on the Walker Drain erosion control repair after discussions with the affected municipalities.

Structure Maintenance - Parkhill Dam and Morrison Dam

Geoff Cade, reported there were three tenders received for the Parkhill Dam toe drain repair. The lowest tender was awarded to Inner-Coast Contractors Ltd., in the amount of \$38,261.80 (including HST) and is within the budget estimated for the work.

The Morrison Dam concrete repairs are projected to be much higher than the estimate, so staff are meeting with the engineering consultant to discuss the scope of the work required.

Shore Protection Application

Geoff Cade reported that the proposed *Checklist for Applications for Shore Protection Works* presented at the May 2018 Board meeting has been discussed with staff at Maitland Valley CA and St. Clair Region CA. Both CAs indicated that the information ABCA is requesting is similar to their requirements.

MOTION #78/18

**Moved by Doug Cook
Seconded by Ray Chartrand**

“RESOLVED, THAT the *Checklist for Applications for Shore Protection* and the identified required information shall form part of a complete application for shoreline protection works, and

FURTHER, THAT staff review of a shoreline protection proposal shall not begin until such time that a complete application is submitted.”

Carried.

Shoreline Management Plan Public Meetings

Geoff Cade reported that there were 200 people attend the two public meetings hosted by the ABCA on August 11 in Thedford and August 18 in Zurich. Attendees were provided an update on the status of the Shoreline Management Plan and the draft Development Guidelines. The ABCA is anticipating the draft Shoreline Management Plan Update will be received from W.F. Baird and Associates Coastal Engineers Ltd. by the end of September. The draft will be provided to the Board for consideration and authorization to release to the public for comment. A letter from the Beach O’Pines Association was circulated to the Board for their information. Staff have responded to the Association’s questions regarding the proposed updated Shoreline Management Plan.

Draft ABCA Administration Regulation By-Laws

It was agreed by consensus to defer this report until the next meeting.

PROGRAM REPORTS

1. (a) Development Review

Daniel King, Regulations Officer, 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 *27 Applications for Permission* and *2 Minor Works Permits*.

1. (b) Violation/Appeals Update

Staff reported charges have been laid for the violation on Chicken Island in Municipality of Lambton Shores with a court date of October 11, 2018. Staff are working with the landowner and contractor regarding the violation in Municipality of Bluewater.

MOTION #BD 79/18

**Moved by Brian Ropp
Seconded by Jim Ginn**

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

Carried.

2. Habitat Stewardship Program Projects

Ian Jean, Forestry Specialist reported that Environment Canada and Climate Change is providing \$76,050 in funding for the 2018-2019 project year for landowners to undertake stewardship activities in the Ausable River watershed. Staff approved seven applications for funding. Ontario Ministry of Natural Resources and Forestry provides \$20,000 in funding for 2018-2019 through the Species at Risk Stewardship Fund. Staff approved four applications for funding..

MOTION #BD 80/18

Moved by Doug Cook

Seconded by Bob Harvey

“RESOLVED, THAT the Board of Directors affirm the approval of applications for Habitat Stewardship Program funding and Species at Risk Stewardship Funding 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 or events and general activities over the previous month.

COMMITTEE REPORTS

MOTION #BD 81/18

Moved by Jim Ginn

Seconded by Brian Ropp

“RESOLVED, THAT the minutes of the Ad Hoc Pedestrian Bridge Community Working Group meetings held August 7, 2018, August 20, 2018 and September 6, 2018 and the motions therein be approved as circulated.”

Carried.

CORRESPONDENCE

- a) Reference: Transition to new Ministry
File: A.7.1
Brief: Correspondence from Conservation Ontario advising they are attempting to set up meetings with the Ministry of Natural Resources & Forestry and the Ministry of Environment, Conservation & Parks to clarify roles.
- b) Reference: Funding Approval
File: F.22.1
Brief: Notice from the Ministry of Environment & Climate Change that the ABCA will receive \$100,000 over 3 years for urban and rural stormwater improvement projects.

NEW BUSINESSAusable Bayfield Conservation Foundation

Brian Horner advised that Gerry Cook has resigned from the Ausable Bayfield Conservation Foundation as director. Charles Miner of Exeter has expressed interest in filling the vacancy and his curriculum vitae was circulated.

MOTION #82/18**Moved by Jim Ginn****Seconded by Bob Harvey**

“RESOLVED, THAT Charles Miner be appointed to the Ausable Bayfield Conservation Foundation Board of Directors.”

Carried.Latornell Conservation Symposium

The directors were reminded of the early-bird registration date for the Latornell Conservation Symposium to be held November 13-15, 2018.

November Board Meeting Date

Due to a conflict with the Latornell Conservation Symposium, it was decided to change the November Board meeting from November 15 to November 8 at 10:00 a.m.

ADJOURNMENT

The meeting was adjourned at 12:02 p.m.

George Irvin
Chair

Judith Parker
Corporate Services Coordinator