



THE CORPORATION OF THE TOWNSHIP OF PUSLINCH
PUBLIC MEETING MINUTES

DATE: Wednesday February 11, 2015

TIME: 7:00 p.m.

PLACE: Puslinch Municipal Complex

FILE NUMBER: D14/HAM – Bill & Lisa Hamilton

MEMBERS: Councillor Matthew Bulmer - Chair
Councillor Susan Fielding
Councillor Ken Roth
Councillor Wayne Stokley

The Chair welcomed those attending the Public Meeting.

The Chair advised that purpose of the Public Meeting is to inform and provide the public with the opportunity to ask questions, or to express views with respect to the Zoning By-law Amendment commenced by the Applicant: Bill and Lisa Hamilton, regarding their property located at 7652 Wellington Road 34.

The Chair advised that the members of Council are here to observe and listen to public comments; however, they will not provide a position on the matter.

Kelly Patzer, on behalf of the Chair, informed attendees when Council makes a decision, should you disagree with that decision, the Planning Act provides you with an opportunity to appeal this application to the Ontario Municipal Board for a hearing. Please note that if a person or public body does not make oral submissions at a public meeting or written submissions to the Township of Puslinch before the decision is made, the person or public body is not entitled to appeal the decision of the Township of Puslinch to the Ontario Municipal Board. In addition, if a person or public body does not make an oral submission at a public meeting, or make written comments to the Township of Puslinch before the decision is made, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

The Chair noted that the Planning Act requires that at least one Public Meeting be held for each development proposal.

The Chair instructed the format of the Public Meeting is as follows:

- The applicant will present the purpose and details of the application and any further relevant information.
- Following this the public can obtain clarification, ask questions and express their views on the proposal.
- Council will then have the opportunity to obtain clarification and ask questions of the applicant
- The applicant and staff will attempt to answer questions or respond to concerns this evening. If this is not possible, the applicant and/or staff will follow up and obtain this information. Responses will be provided when this matter is brought forward and evaluated by Council at a later date.

Presentations

Brian Beatty of Black, Shoemaker, Robinson and Donaldson, agent for Bill and Lisa Hamilton, introduced the proposed zoning amendment to permit a landscaping business on the property. He displayed a location map and described the buildings on the subject property which include a metal clad building that is used for material and vehicle storage and a converted barn used for storage. Brian Beatty noted that there are wetlands and Greenlands at the rear of the property.

Brian Beatty stated that the property was severed 3-4 years ago and a minor variance was applied for on the retained parcel to permit the accessory buildings to remain until a main dwelling was built. The building permit for the house lapsed and the landscaping contractor's yard has been operating for years without proper land use permissions. There are 2 – 3 deliveries a week to the property. Brian Beatty stated Bill Hamilton's business is Turf Plus which is located on Smith Street in Guelph.



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Brian Beatty confirmed that the Zoning By-law Amendment application incorrectly referenced a barn as a proposed permitted use.

Brian Beatty stated that the Chief Building Official's comments and Staff reports note Site Plan Control would be required for the use of a landscaping contractor's yard and that would address landscaping, screening, fire requirements and stormwater management.

Brian Beatty noted the County Planner had inquired to the nature of the business on the property and outlined that it is the storage of mulch, topsoil, rock and equipment such as a backhoe, skid steerer and small trucks to handle the material. There is one on-site employee, 2 yard lights in proximity to the workshop and delivery trucks coming to the property 2 – 3 times a week. Site Plan, berming, screening and fencing will enhance land use compatibility to the adjacent neighbouring property.

Brian Beatty concluded his presentation and welcomed questions from the gallery.

Questions/Comments

Sally Whittle of 7671 Wellington Road 34 lives across the road from the subject property and noted that the properties in the neighbourhood are expensive and questioned what will be done to protect neighbours from their property values going down and from a commercial business going in the middle of a residential area.

Brian Beatty stated that the Official Plan recognizes small scale commercial businesses and believes that it is difficult to speculate on the potential impacts. Brian Beatty indicated Site Plan Control can address the issues of compatibility.

Karen Dailous of 7658 Wellington Road 34 stated the property was severed October 2012 and a house was never built and a new driveway has not been constructed for the severed property. There have been as many as 30 trucks in one day to the property. Big loaders and a large sifting machine are located on the property. The noise is horrendous and equipment is run seven days a week. She bought the house for quiet country living but the noise is louder than a gravel pit.

Patricia Jones of 7664 Wellington Road 34 agrees with the noise created by the use on the property. At 6:30 a.m. noise is created by tailgates closing and the back-up beeping of trucks. After lunch they start washing gravel for 2 – 3 hours. The noise is irritating. She agrees with Sally Whittle in regards to the negative impact on property values and noted the increased truck traffic and the resulting safety concern for small children in the area.

Fred Quinton of 7671 Wellington Road 34 inquired if there is any opportunity for this to operate as a retail operation in the future. History of landscape operations is they can sell nursery products. Would this zone change allow that use?

Brian Beatty stated that there was no intention of having a retail operation on the property and the application makes clear the proposed permitted uses.

Ed Dailous of 7658 Wellington Road 34 asked if the berms would be like the ones at a gravel pit and noted everything said of the proposed landscaping of the property is speculation. He is unable to rest due to the noise. The materials on site could be contaminating the land. He has watched the business blossom into a heavy duty landscaping business that also operates on Sundays.

Brian Beatty stated he cannot speak to the required fencing but will work with the Township and the County. He is also unable to speak to the evolution of the business.

Karen Dailous stated there is no mention to the hours and/or days of operation of the business. The family uses the machinery at all times.

Mike Dube of 7646 Wellington Road 34 stated he is the neighbour on the other side of the Hamilton's and wishes to see this application go forward. One day 30 trucks did come in and he went next-door to ask what was going on. The owner addressed his concerns. He works during the day and is home in the evenings and does not find the noise disturbing.

Karen Dailous stated her driveway is 40 feet away from the Hamilton's. Proper Yards can be rented for landscaping uses.



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Michael Dailous of 7658 Wellington Road 34 lives next door to the Hamilton's. He asked what is being done to ensure there is no soil contamination to protect the surrounding agricultural farmed lands. He questioned what is going to be done to ensure the business meets any noise and hours of operation requirements.

Brian Beatty said a Hydrogeology Study would be done to ensure water quality. Noise readings could be taken to assess current noise levels as part of the technical review.

Kathy White stated that the Planning Report did not list any negative impacts and questioned how this can be assessed without any studies. She is opposed to the application to allow commercial uses in a residential area as they cause a disruption to life and can negatively affect the privacy of neighbours.

Kathy White questioned if the business in Guelph is adjacent to a residential area.

Bill Hamilton replied that the business is located on Smith Street in Guelph, next to a residential area.

Kathy White stated that the severance was granted and a house was never built on the property containing the accessory buildings, and questioned what happened to the \$20,000 deposit taken by the Township for the accessory buildings, and inquired if the property is assessed commercial or residential.

Kathy White stated the Grand River Conservation Authority (GRCA) has source water mapping that shows the lands are a significant ground water recharge area. She questioned how the equipment on the property is refueled, as no fuel storage is shown on the Site Plan.

Brian Beatty stated the GRCA had no objection to the application.

Kathy White asked if there has been a permit issued for the driveway on the severed lot. She questioned what a small scale operation is and what would prevent it from growing larger over the long term and have the taxes been paid as a residential or commercial property? She stated a zone change would be a permanent land use and the property would always be a landscape contractor's yard and the residents in the area would bear the burden.

Kathy White asked if there would be another Public Meeting for this application.

The Chair responded that the Township has at least one Public Meeting for every zone amendment application.

Sally Whittle stated the property is located in the Mill Creek Watershed and asked if the Friends of Mill Creek would comment on the application.

The Chair stated that Friends of Mill Creek do not comment on planning applications.

There were no further questions or comments and the Chair inquired if Council had any questions.

Councillor Roth thanked everyone for coming to the Public Meeting. He asked if there has been or plans to be any salt stored on the property.

Bill Hamilton responded no.

Councillor Stokley asked what the future uses of the barn are and questioned if it should possibly not be there as the Township has been caught in several scenarios where owners do not go in the original intended permitted direction which has resulted in past OMB Hearings.

Brian Beatty stated that the horses on the property have been sold and the barn will be used for storage.

Councillor Stokley noted no decision has been made, but any Site Plan Agreement would need to be iron-clad, including any hours of operation. The application needs to be resolved in a manner that is acceptable to the majority.

Councillor Fielding thanked everyone for attending; she shares a lot of their concerns, and stated Puslinch should be a place that is hospitable to residents in the community. She asked County Staff for clarification on the severance and zoning applications.

Aldo Salis explained that the consent application severed off a portion of the property with the single family dwelling and the accessory buildings remained on the remnant parcel where a



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single family dwelling was proposed. The Township had conditions of severance that were satisfied and the consent has been approved. In terms of a zoning application, it is the landowners right to file an application.

Councillor Fielding stated she has concerns with the water quality from the storage of materials on the property and doesn't fully understand how the house was not built on the property.

The Chair asked if the lands were to be un-severed would the uses of the buildings be permitted; and stated Puslinch does attract people due to the permission of home occupations but acknowledges this can be disruptive to some residents.

Bill Hamilton stated he purchased the property on Smith Street 8 months ago, but it is not large enough to fix his equipment, which is what he uses the accessory building on the property for.

Brian Beatty stated the Zoning By-law Amendment limits the property and use to one on-site employee. He does not have a handle on what would be considered small-scale versus medium scale, adding that the owner does not have any intention of adding any more structures.

The Chair inquired if there are any uses permitted under home occupations that would have similar impacts as a landscaping contractor's yard.

Brian Beatty stated that the Public Meeting Information Report listed the zoning permissions for home occupations.

The Chair stated he was unsure how effective Site Plan Control would be for a use that already exists as it is generally put in place prior to the use.

Brian Beatty responded Site Plan would better organize the property and address necessary buffering and screening and it would satisfy the need to be clear how activities are being conducted on the property. A Stormwater Management Report could address any flooding on the property.

Councillor Roth commented through the severance process a \$20,000 deposit was refunded when the Building Permit was issued for the proposed dwelling and asked if the applicant was going to reinstate the deposit since the house was not built.

Councillor Stokley commented that "scale" is an interesting point and asked if the scale of the operation has increased since the severance approval.

Bill Hamilton responded that the scale of the use has decreased since the severance. The main purpose of the shop is to maintain the large equipment and the screener has been removed.

Councillor Stokley inquired if the barn could also be used as a shop.

Bill Hamilton responded that the barn is too small, being a quarter to an eighth of the size of the shop.

Aldo Salis stated that a by-law could be drafted to restrict certain uses of the accessory buildings and limit the scale of the operation.

The Chair asked if there were any more questions or comments from the public.

Pat Quirk of 159 Dawn Avenue, Guelph, inquired if a house was located on the property would the landscaping contractor use be permitted.

Aldo Salis responded that Agricultural Areas in the Official Plan do permit small scale commercial operations.

Michael Dailous stated that it is an industrial use if machinery is being repaired on the property.

Kathy White questioned if equipment repair versus a contractors yard changes the application and noted concerns with fuel storage.

Bill Hamilton stated that he is maintaining his own equipment.

There were no further questions and the Chair called an end to the public meeting and advised that Council would not be taking action on this proposal tonight.

Brian Beatty stated he will work at compiling responses to the questions and comments made this evening.



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The Chair reminded the public to please sign in and register as a delegate to be informed of future public meetings.

Adjournment

The meeting adjourned at 9:10 p.m.