



PLANNING & DEVELOPMENT ADVISORY COMMITTEE
VIRTUAL MEETING BY ELECTRONIC PARTICIPATION &
IN-PERSON AT THE PUSLINCH COMMUNITY CENTRE –
23 BROCK RD S, PUSLINCH
APRIL 11, 2023
7:00 p.m.

Requesting relief of New Comprehensive Zoning By-Law #23-2018, as amended, from Section 4.16.1 a. MDS I – New Non Farm Uses.

The purpose and effect is to provide relief from:

1. Section 4.16.1 a. to permit a reduced MDSI setback from the barn at #6955 Concession 1 to the Severed Parcel to be 153m instead of 226m as required.
2. Section 4.16.1 a. to permit a reduced MDSI setback from the barn at #6978 Concession 1 to the Severed Parcel to be 203m instead of 221m as required.

7.2 Minor Variance Application D13-BUR – James and Melissa Burmaster – 4390 Wellington Rd 32, Concession 2, Front Part Lot 5, Township of Puslinch. #

Requesting relief of New Comprehensive Zoning By-Law #23-2018, as amended, from Section 4.17.1 Legal Non-Conformity and Legal Non-Compliance & Section 12.4 Natural Environment.

The purpose and effect is to provide relief from:

1. Section 4.17.1 and Section 12.4 to permit an addition of a deck with a roof on the existing home.

7.3 Minor Variance Application D13-HOL – Janine and Kenneth Holman – Concession 10, Lot 16, RP 61R-9311; Pt. 1, Township of Puslinch. #

Requesting relief of New Comprehensive Zoning By-Law #23-2018, as amended, from Section 11.4, Table 11.3 – Reduced Agricultural Lot Requirements and Section 4.4.2 a. Accessory Buildings and Structures

The purpose and effect is to provide relief from:

1. Section 11.4, Table 11.3 to permit a reduced lot frontage of the Retained Parcel to be 20.0m instead of 25m as required in Table 11.3 of the Zoning By-law.
2. Section 4.4.2 a. to permit the continued existence of two accessory structures on the Retained Parcel prior to the erection of the principal building for a limited time.



PLANNING & DEVELOPMENT ADVISORY COMMITTEE
VIRTUAL MEETING BY ELECTRONIC PARTICIPATION &
IN-PERSON AT THE PUSLINCH COMMUNITY CENTRE –
23 BROCK RD S, PUSLINCH
APRIL 11, 2023
7:00 p.m.

7.4 Minor Variance Application D13-MUL – Andrew Mulder and Marcella Veenman-Mulder – 4541 Concession 11, Concession 11, Part Lot 18, Township of Puslinch. #

Requesting relief of New Comprehensive Zoning By-Law #23-2018, as amended, from Section 4.4.2 a. Accessory Buildings and Structures.

The purpose and effect is to provide relief from:

1. Section 4.4.2 a. to permit the continued existence of an accessory building on the Severed Parcel prior to the erection of the principal building for a limited time.

7.5 Minor Variance Application D13-TON – Louis Tonin – c/o P. Willis and Lynn Brombal – 900 Watson Rd S, Concession 10, Front Par Lots 8 and 9, Township of Puslinch. #

Requesting relief of New Comprehensive Zoning By-Law #23-2018, as amended, from Section 4.16.1 a. MDS I – New Non-Farm Uses

The purpose and effect is to provide relief from:

1. Section 4.16.1 a. to permit a reduced MDSI setback for the establishment of a building envelope on the proposed severed parcel. The MDS I setback will not exceed 105m measured from the adjacent structure to the property line.

8. New Business

9. Adjournment of Committee of Adjustment #



MINUTES

DATE: March 14, 2023

The March 14, 2023 Committee of Adjustment Meeting was held on the above date and called to order at 7:00 p.m. via electronic participation and in-person at 23 Brock Rd S, Puslinch.

1. **CALL THE MEETING TO ORDER (OPENING REMARKS)**

2. **ROLL CALL**

ATTENDANCE:

Present:

Councillor John Sepulis, Chair
Paul Sadhra
Chris Pickard
Jeffery Born

Absent:

Dennis O'Connor

STAFF IN ATTENDANCE:

1. Lynne Banks, Secretary/Treasurer
2. Courtenay Hoytfox, Municipal Clerk
3. Joanna Salsberg, Planner, County of Wellington

3. **MOMENT OF REFLECTION**

4. **CONFIRMATION OF THE AGENDA**

Resolution No. 2023-013:

Moved by Committee Member Chris Pickard and
Seconded by Committee Member Paul Sadhra

That the Committee approves the March 14, 2023 Agenda as circulated.

CARRIED

5. **DISCLOSURE OF CONFLICT OF INTEREST:**

None

6. **APPROVAL OF MINUTES**

Resolution No. 2023-014:

Moved by Committee Member Paul Sadhra and
Seconded by Committee Member Chris Picard

That the Committee of Adjustment approves the Minutes from the meeting held on February 14, 2023.

CARRIED

7. **APPLICATIONS FOR MINOR VARIANCE OR PERMISSION** under section 45 of the Planning Act to be heard by the Committee this date:

- 7.1 **Minor Variance Application D13-COA – Brian Coady and Angelina DeLeo – 7262 Gore Road, Concession Gore S, Part Lot 29, Township of Puslinch.**



Requesting relief of New Comprehensive Zoning By-Law #23-2018, as amended, from Section 4.4.2 Accessory Buildings and Structures, Table 4.1.

The purpose and effect is to provide relief from:

1. Section 4.4.2, Table 4.1, to permit a shed to be 1.83m from the interior side yard rather than 2m as required.

- Brian Coady, owner of the property, provided an overview of the application.
- There were no questions or comments from the public.
- There were no questions or comments from the Committee.

Resolution No. 2023-015: Moved by Committee Member Chris Pickard and
Seconded by Committee Member Paul Sadhra

THAT Minor Variance Application D13-COA be approved with no conditions.

CARRIED

8. NEW BUSINESS

8.1 Appointment of Acting Chair

Resolution No. 2023-016: Moved by Committee Member Paul Sadhra and
Seconded by Committee Member Jeff Born

THAT the Committee of Adjustment receives the new business item 8.1 for information.

CARRIED

9. ADJOURNMENT:

Resolution No. 2023-017 Moved by Committee Member Paul Sadhra and
Seconded by Committee Member Chris Pickard

That Committee of Adjustment hereby adjourns at 7:16 p.m.

CARRIED

Name, address, and phone number of all persons having any mortgages, charges, or encumbrances on the property.

Mortgage as in INST WC92012 & WC120431 with the Bank of Canada

Send correspondence to: Owner: Agent Other: _____

2. Provide a description of the “entire” property:

Municipal address: 6975 Concession 1

Concession: GORE Lot: 19

Registered Plan Number: _____

Severed	Area: <u>0.5ha</u> ha	Depth: <u>75m</u> m	Frontage: <u>70m</u> m
Retained	<u>37.7ha</u> ac	<u>937m</u> ft	<u>341m</u> ft

Width of road allowance (if known): 20.12m

Reason for Application:

3. Please indicate the Section of the Planning Act under which this application is being made. Select one:

- Section 45(1) relates to a change to a by-law standard (e.g. setbacks, frontage, height, etc.); or
- Section 45(2) relates to a change to or expansion of an existing legal non-conforming use.

4. What is the nature and extent of the relief that is being applied for? (please specifically indicate on sketch).

The following variances are being requested:

- A) To permit a reduced MDS setback from the barn at #6955 Concession 1 to the Severed Parcel to be 153m instead of 226m as required in Section 4.16.1.a) of the Zoning By-law.
- B) To permit a reduced MDS setback from the barn at #6978 Concession 1 to the Severed Parcel to be 203m instead of 221m as required in Section 4.16.1.a) of the Zoning By-law.

**5. Why is it not possible to comply with the provisions of the by-law?
(please specifically indicate on sketch).**

Minor variance requests are being made for the Severed Parcel of Severance Application B117-22. This application has been approved subject to conditions including the requirement of Zoning Compliance & MDS Compliance (Condition 7, 8, 10).

Please see covering letter for more information.

6. What is the current Official Plan and zoning status?

Official Plan Designation: Secondary Agricultural, Core Greenlands & Greenlands

Zoning Designation: Agricultural, Natural Environment & Environmental Protection Overlay

7. What is the access to the subject property?

Provincial Highway:

Continually maintained municipal road:

Seasonally maintained municipal road:

Other: (please specify below)

8. What is the name of the road or street that provides access to the subject property?

Concession Road 1

9. If access is by water only, please describe the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land to the nearest public road.

N/A

Existing and Proposed Service:

10. Indicate the applicable water supply and sewage disposal:

Water Supply/Sewage Disposal:	Retained Parcel	Severed Parcel
	Existing:	Proposed:
Municipal Water:	<input type="checkbox"/>	<input type="checkbox"/>
Communal Water:	<input type="checkbox"/>	<input type="checkbox"/>
Private Well:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other Water Supply:	<input type="checkbox"/>	<input type="checkbox"/>
Municipal Sewers:	<input type="checkbox"/>	<input type="checkbox"/>
Communal Sewers:	<input type="checkbox"/>	<input type="checkbox"/>
Private Septic:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other Sewage Disposal:	<input type="checkbox"/>	<input type="checkbox"/>

11. How is storm drainage provided?

Storm Sewers:

Ditches:

Swales:

Other means: (explain below)

Existing Subject and Abutting Property Land Uses, Buildings and their Locations:

12. What is the existing use of:

The subject property? Rural Residential

The abutting properties? Rural Residential / Agricultural

13. Provide the following details for all buildings on or proposed for the subject land: (please use a separate page if necessary)

See sketch for details

Building Details:	Existing:		Proposed:	
Type of Building(s)/ structures				
Main Building height	m	ft.	m	ft.
*Percentage lot coverage	m	ft.	m	ft.
*Number of parking spaces				
*Number of loading spaces				
Number of floors				
Total floor area	m ²	ft ²	m ²	ft ²
Ground floor area (exclude basement)	m ²	ft ²	m ²	ft ²

14. What is the location of all buildings existing and proposed for the subject property? (specify distances from front, rear and side lot lines)

See sketch for details

Building Details:	Existing:		Proposed:	
Front Yard	m	ft.	m	ft.
Rear Yard	m	ft.	m	ft.
Side Yards	m	ft.	m	ft.

15. What are the dates of acquisition and construction of subject property and building property?

Date of acquisition of subject property: November 2003

Date of construction of buildings property: Many years ago

16. How long have the existing uses continued on the subject property? Many years

17. Has the owner previously applied for relief in respect of the subject property?

Yes No

If the answer is yes, please indicate the file number and describe briefly:

N/A

Other Related Planning Applications:

18. Has an application for any of the following on the subject lands?

Planning Application:	Yes:	No:	File Number:	Approval Authority:	Subject Lands	Purpose:	Status:
Official Plan Amendment	<input type="checkbox"/>	<input type="checkbox"/>					
Zoning By-Law Amendment	<input type="checkbox"/>	<input type="checkbox"/>					
Plan of Subdivision	<input type="checkbox"/>	<input type="checkbox"/>					
Consent (Severance)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	B117-22	County of Wellington	Lot 19, Con GORE	Severance	Approved Subject to Conditions
Site Plan	<input type="checkbox"/>	<input type="checkbox"/>					
Minor Variance	<input type="checkbox"/>	<input type="checkbox"/>					

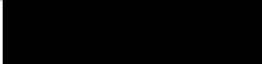

Authorization for Agent/Solicitor to act for Owner:

(If affidavit is signed by an Agent/Solicitor on Owner's behalf, the Owner's written authorization below shall be completed)

I (we) Lilian REINFELS & Alexander Engelbert REINFELS of the
Township of Puslinch County/Region of

Wellington do hereby authorize

Jeff Buisman of Van Harten Surveying Inc. to act as my agent in this application.

	<u>November 28, 2022</u>
Signature of Owner(s)	Date
	<u>November 28, 2022</u>
Signature of Owner(s)	Date

Affidavit:

I (we) Jeff Buisman of Van Harten Surveying Inc. of the
City of Guelph County/Region of
Wellington solemnly declare that all the statements

contained in this application are true, and I, (we), make this solemn declaration
conscientiously believing it to be true, and knowing that it is of the same force and effect
as if made under oath and by virtue of the CANADA EVIDENCE ACT. DECLARED

before me at the City of Guelph in the
County/Region of Wellington this 21 day of
February, 20 23.

	<u>Feb. 21, 2023</u>
Signature of Owner or authorized solicitor or agent	Date

	<u>Feb. 21, 2023</u>
Signature of Commissioner	Date

James Michael Laws,
a Commissioner, etc.,
Province of Ontario,
for Van Harten Surveying Inc.
Expires May 11, 2024



February 23, 2023
29674-21

Township of Puslinch
7404 Wellington Road 34
Puslinch, Ontario
N0B 2J0

Attention: Lynne Banks

Dear Ms. Banks:

**Re: Minor Variance Application & Sketch for Severance B117-22
6975 Concession 1
Part of Lot 19, Concession GORE
PIN 71204-0026
Township of Puslinch**

Please find enclosed an application for a minor variance on the above-mentioned property. Included with this submission are copies of the minor variance sketch, completed application form, required deed, PIN report and map and MDS Farm Data Sheets. A cheque in the amount of \$1,365.00 for the application fee is being submitted directly to the Township by the property owner – Lilian Reinfels.

Proposal

Two minor variance requests are being made for the Severed Parcel of the Severance Application B117-22 that has been approved subject to conditions at the October 2022 Land Division Committee Meeting. These variances are required to satisfy Conditions 7, 8 and 10 of the approved application. The Minor Variance requests are as follows:

- A. To permit a reduced MDSI setback from the barn at #6955 Concession 1 to the Severed Parcel to be 153m instead of 226m as required in Section 4.16.1.a) of the Zoning By-law.**
- B. To permit a reduced MDSI setback from the barn at #6978 Concession 1 to the Severed Parcel to be 203m instead of 221m as required in Section 4.16.1.a) of the Zoning By-law.**

The severance is creating a rural residential parcel along Concession 1 with a frontage of 70±m, depth of 75±m, for an area of 0.5±ha where a single detached dwelling is proposed. The parcel has been evaluated and safe entrance is possible. The Zoning By-law requirements are met for the severed parcel in terms of frontage and area; however, a minor variance is required to two neighbouring barns for Minimum Distance Separation (MDSI).

The Retained Parcel (known as #6975 Concession 1) will have a frontage of 341±m, depth of 937±m, for an area of 37.7±ha where the existing dwelling, pool, old log cabin, horse run-in and agricultural parcel will remain unchanged. The zoning requirements are met for this parcel.

The run-in is an open structure with no doors, and it is not capable of housing livestock and therefore, MDS is not required for this structure. The existing old log cabin is the original homestead on the property. A new dwelling was built many years ago and the old log cabin was permitted to stay. There is no kitchen, and it functions as an accessory building. The Township recently visited the property for a site inspection, and they are satisfied that the old log cabin meets Zoning.

Minimum Distance Separation (MDSI) Evaluation

We completed an extensive Minimum Distance Separation (MDSI) evaluation on a number of barns in the area. The farm data sheets are included in this submission and the Sketch shows the results in terms of distance to the barn and the Minimum Distance Requirement. We found that all of the barns within 500m meet the MDS requirements except for the neighbouring barns at #6955 Concession 1 and #6978 Concession 1 and minor variances are being requested to address the deficiencies.

The barn at #6955 is unoccupied, with an area of approximately 350m². Using Type A calculation with beef cattle, unoccupied, and a barn size of 350m², we found the required distance to be 226m. This calculation assumes that barn capacity is for 75 cows. The actual distance is 153m and a variance is being requested for the 73m deficiency.

Please note that there is a dwelling at #6959 Concession 1 which is closer to the barn at #6955 than the approved severance. Although it is a new house at 6959 Concession 1, the lot is quite old in that it was created in 1987 by the previous owners of #6955. We provide the comment that the house at 6959 Concession 1 provides more of an impact with regards to MDS than a new house on the approved severance. Any barn expansion possibilities for the barn at #6955 is already limited by the house at #6959. We also like to highlight that the barn at #6955 is currently empty.

The barn across the road at #6978 contains beef cattle, with an area of approximately 325m². Using Type A calculation with beef cattle and a barn size of 325m², we found the required distance to be 221m. This calculation assumes that barn capacity is 70 cows. The actual distance is 203m and a variance is being requested for the 18m deficiency and we consider this request to be minor.

The required MDS distances differ depending how the calculations are entered into the MDS program and interpretation of the definitions. Along with Planning Staff, we considered three different interpretations including the following:

1. Based on the animal numbers provided by the owner of #6978: Minimum to be 145m.
2. Based on barn size and cows and in confinement: Minimum to be 173m.
3. Based on barn size and cows with yard & barn: Minimum to be 221m.



County Planning Staff tend to be cautious and lean to the most restrictive interpretation, which in this case is 221m. We provide the opinion that MDS is met with two valid interpretations and that the difference between 203m and 221m is quite small.

The Minor Variances for the Severed Parcel are reasonable, and we provide the opinion that the minor variance requests meet the four tests for a minor variance.

Please call me if you or the Planning Staff have any questions.

Very truly yours,
Van Harten Surveying Inc.



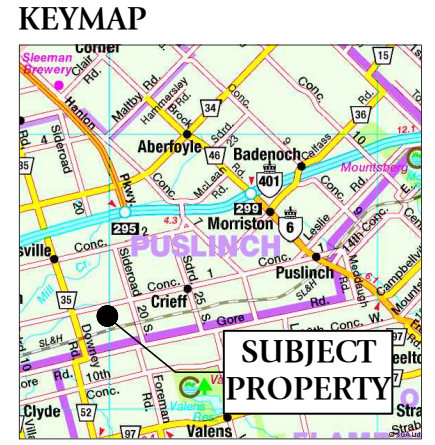
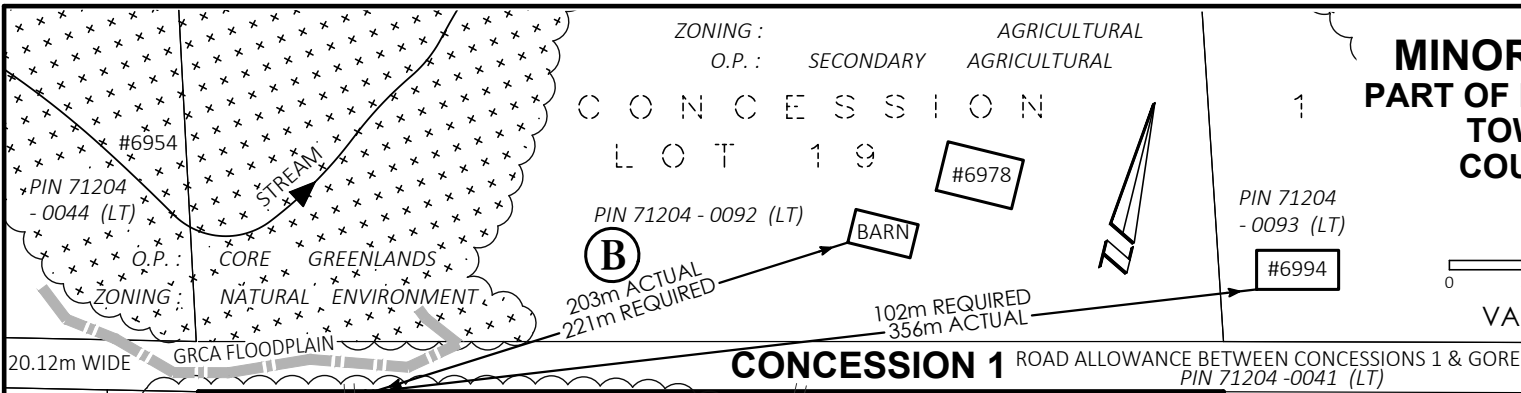
Jeffrey E. Buisman B.E.S, B.Sc.
Ontario Land Surveyor

cc Lilian Reinfels

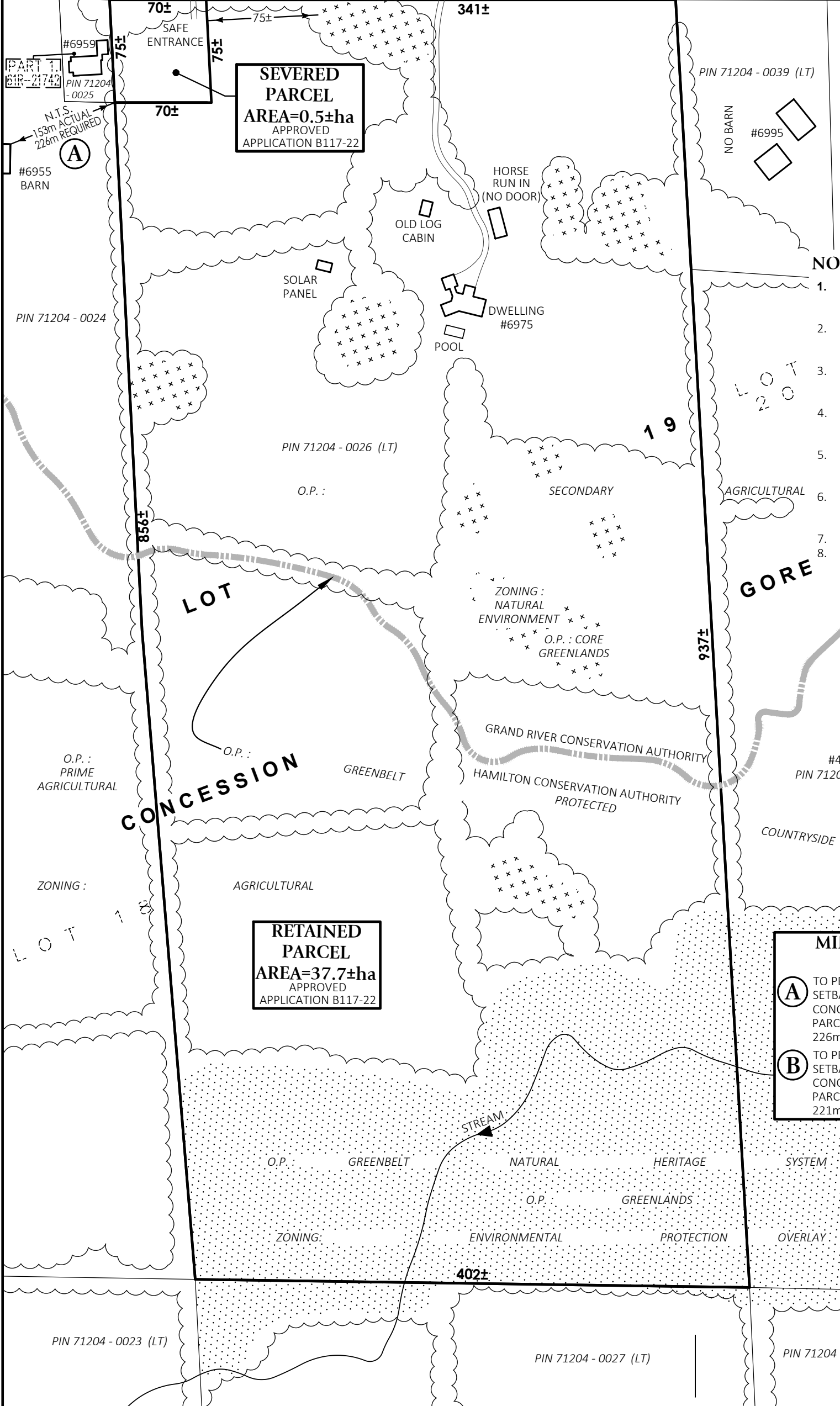
**MINOR VARIANCE SKETCH
PART OF LOT 19, CONCESSION GORE
TOWNSHIP OF PUSLINCH
COUNTY OF WELLINGTON**

SCALE 1 : 3000
0 30 60 120 180 meters

VAN HARTEN SURVEYING INC.



- NOTES:**
1. THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.
 2. SUBJECT LANDS ARE ZONED AGRICULTURAL, ENVIRONMENTAL PROTECTION OVERLAY & NATURAL ENVIRONMENT.
 3. SUBJECT LANDS HAVE AN OFFICIAL PLAN DESIGNATION OF SECONDARY AGRICULTURAL, GREENLANDS & CORE GREENLANDS
 4. SUBJECT LANDS HAVE A GREENBELT OFFICIAL PLAN DESIGNATION OF PROTECTED COUNTRYSIDE AND NATURAL HERITAGE SYSTEM.
 5. DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
 6. DIMENSIONS ON THIS SKETCH ARE APPROXIMATE AND HAVE NOT BEEN VERIFIED BY SURVEY.
 7. N.T.S. DENOTES NOT TO SCALE.
 8. PROPERTY OWNERS: LILIAN & ALEXANDER REINFELS.



**SEVERED PARCEL
AREA=0.5±ha
APPROVED
APPLICATION B117-22**

**RETAINED PARCEL
AREA=37.7±ha
APPROVED
APPLICATION B117-22**

MINOR VARIANCE REQUESTS:

(A) TO PERMIT A REDUCED MDSI SETBACK FROM THE BARN AT #6955 CONCESSION 1 TO THE SEVERED PARCEL TO BE 153m INSTEAD OF 226m AS REQUIRED.

(B) TO PERMIT A REDUCED MDSI SETBACK FROM THE BARN AT #6978 CONCESSION 1 TO THE SEVERED PARCEL TO BE 203m INSTEAD OF 221m AS REQUIRED.

- O.P. : GREENLANDS ZONING: NATURAL ENVIRONMENT OVERLAY
- O.P. : CORE GREENLANDS ZONING: NATURAL ENVIRONMENT

THIS SKETCH WAS PREPARED ON THE 22nd DAY OF FEBRUARY 2023

JEFFREY E. BUISMAN
ONTARIO LAND SURVEYOR

Van Harten
SURVEYING INC.
LAND SURVEYORS and ENGINEERS

Kitchener/Waterloo Ph: 519-742-8371	Guelph Ph: 519-821-2763	Orangeville Ph: 519-940-4110
www.vanharten.com		info@vanharten.com
DRAWN BY: ARN	CHECKED BY: JEB	PROJECT No. 29674-21
Feb 21, 2023 4:05:49 PM		
G:\PUSLINCH\ConGore\ACAD\SEVERANCES\MV LOT 19 (REINFELS) UTM.dwg		



FARM DATA SHEET

Minimum Distance Separation I (MDSI)

County of Wellington

NOTE TO FARM OWNER(S)

By filling out this form you will help to ensure that new land uses will be located a suitable distance from your livestock operation. Feel free to contact the County Planning office with any questions.

Owner(s) of Livestock Facility Classy Lane Stables; Ross Buurma

Contact Information

Email [REDACTED] Telephone [REDACTED]
 Civic Address 6923 Concession 1 Municipality Puslinch
 Lot 17 Concession Gore Division
 Lot Size (where livestock facility is located) 52.5 hectares 130 acres

Signature of Livestock Facility Owner [REDACTED] Date July 18/22

BARN(S) SIZE Please provide the size of the barns located on the property. This information is used to verify maximum livestock capacity. 71,500 ft²/m² 71,500 ft²/m²

- | | | |
|-----------------------------|---|---|
| Manure Storage Types | Solid manure: 18% dry matter, or more | Liquid manure: <18% dry matter |
| V1 | Solid, inside, bedded pack | L1 Solid, outside, no cover, 18%- <30% dry matter, with uncovered liquid runoff storage |
| V2 | Solid, outside, covered | L2 Liquid, outside, with a permanent floating cover |
| V3 | Solid, outside, no cover, ≥30% dry matter | M1 Liquid, outside, no cover, straight-walled storage |
| V4 | Solid, outside, no cover, 18% - <30% dry matter, with covered liquid runoff storage | M2 Liquid, outside, roof, but with open sides |
| V5 | Liquid, inside, underneath slatted floor | H1 Liquid, outside, no cover, sloped-sided storage |
| V6 | Liquid, outside, with a permanent, tight-fitting cover | |

Animal Type of Material	Description	Housing Capacity (maximum)	Manure Storage Type (select from list)
Beef Cattle	Cows, including calves to weaning (all breeds)		
	Feeders (7 – 16 months)		
	Backgrounders (7 – 12.5 months)		
	Shortkeepers (12.5 – 17.5 months)		
Dairy Cattle	Milking-age cows (dry or milking)		
	Large-framed; 545 – 658 kg (e.g. Holsteins)		
	Medium-framed; 455 – 545 kg (e.g. Guernseys)		
	Small-framed; 364 – 455 kg (e.g. Jerseys)		
	Hiefers (5 months to freshening)		
	Large-framed; 182 – 545 kg (e.g. Holsteins)		
	Medium-framed; 148 – 455 kg (e.g. Guernseys)		
	Small-framed; 125 – 364 kg (e.g. Jerseys)		
	Calves (0 – 5 months)		
	Large-framed; 45 – 182 kg (e.g. Holsteins)		
Medium-framed; 39 – 148 kg (e.g. Guernseys)			
Small-framed; 30 – 125 kg (e.g. Jerseys)			
Horses	Large-framed, mature; >681 kg (e.g. draft or draft cross breeds including unweaned offspring)		
	Medium-framed, mature; 227 – 680 kg (e.g. saddle, riding and racing breeds including unweaned offspring)	290	V3
	Small-framed, mature; <227 kg (e.g. ponies and miniatures including unweaned offspring)		

FARM DATA SHEET (continued)
Minimum Distance Separation I (MDSI)

County of Wellington

Animal Type of Material	Description	Housing Capacity (maximum)	Manure Storage Type (select from list)
Swine	Sows with litter, dry sows or boars		
	Breeder gilts (entire barn designed specifically for this purpose)		
	Weaners (7 – 27 kg)		
	Feeders (27 – 136 kg)		
Sheep	Ewes & rams (for meat lambs; includes unweaned offspring & replacements)		
	Ewes & rams (dairy operation; includes unweaned offspring & replacements)		
	Lambs (dairy or feeder lambs)		
Goats	Does & bucks (for meat kids; includes unweaned offspring and replacements)		
	Does & bucks (for dairy; includes unweaned offspring & replacements)		
	Kids (dairy or feeder kids)		
Chickens	Layer hens (for eating eggs; after transfer from pullet barn)		
	Layer pullets (day-olds until transferred into layer barn)		
	Broiler breeder growers (males/females transferred out to layer barn)		
	Broiler breeder layers (males/females transferred in from grower barn)		
	Broilers on any length of cycle		
Turkeys	Turkey poults (day-old until transferred to grow out turkey barn)		
	Turkey breeder layers (males/females transferred in from grower barn)		
	Breeder toms		
	Broilers (day-olds to 6.2 kg)		
	Hens (day-olds up to 6.2 to 10.8 kg; 7.5 kg is typical)		
	Toms (day-olds to over 10.8 to 20 kg; 14.5 kg is typical)		
	Turkeys at any other weights, or if unknown (by floor area)		
Veal	Milk-fed		
	Grain-fed		
Other	Please refer to Factor Table 1 of The Minimum Distance Separation (MDS) Document for complete list of animal types		
Imported manure	Use the volume of the manure storages		
Unoccupied livestock barns	A livestock barn that does not currently house any livestock, but that housed livestock in the past and continues to be structurally sound and reasonably capable of housing livestock.*		

*NOTE: This should only be used where obtaining information from the farm operator(s) and/or owner(s) was not possible (see Implementation Guideline 20 for more information).

QUESTIONS?

PLEASE CONTACT

County of Wellington
 Planning and Development Department
 74 Woolwich Street, Guelph
 ON N1H 3T9
 F 519.923.1694

Linda Redmond, Senior Planner

E lindar@wellington.ca
 T 519.837.2600 x2380
 1.800.663.0750 x2380

Sarah Wilhelm, Senior Planner

E sarahw@wellington.ca
 T 519.837.2600 x2130
 1.800.663.0750 x2130



FARM DATA SHEET
Minimum Distance Separation I (MDSI)
County of Wellington

NOTE TO FARM OWNER(S)

By filling out this form you will help to ensure that new land uses will be located a suitable distance from your livestock operation. Feel free to contact the County Planning office with any questions.

Owner(s) of Livestock Facility Andrew + Sarah Dodds

Contact Information

Email [REDACTED] Telephone [REDACTED]
 Civic Address 6994 Concession 1 Municipality Pastich
 Lot _____ Concession _____ Division _____
 Lot Size (where livestock facility is located) _____ hectares 10 acres

Signature of Livestock Facility Owner [REDACTED] Date Apr 27 2022

BARN(S) SIZE Please provide the size of the barns located on the property. This information is used to verify maximum livestock capacity. ~2500 (ft²)m² _____ ft²/m²

- Manure Storage Types** Solid manure: 18% dry matter, or more Liquid manure: <18% dry matter
- V1 Solid, inside, bedded pack
 - V2 Solid, outside, covered
 - V3 Solid, outside, no cover, ≥30% dry matter
 - V4 Solid, outside, no cover, 18% - <30% dry matter, with covered liquid runoff storage
 - V5 Liquid, inside, underneath slatted floor
 - V6 Liquid, outside, with a permanent, tight-fitting cover
 - L1 Solid, outside, no cover, 18% - <30% dry matter, with uncovered liquid runoff storage
 - L2 Liquid, outside, with a permanent floating cover
 - M1 Liquid, outside, no cover, straight-walled storage
 - M2 Liquid, outside, roof, but with open sides
 - H1 Liquid, outside, no cover, sloped-sided storage

Animal Type of Material	Description	Housing Capacity (maximum)	Manure Storage Type (select from list)
Beef Cattle	Cows, including calves to weaning (all breeds)		/
	Feeders (7 - 16 months)		
	Backgrounders (7 - 12.5 months)		
	Shortkeepers (12.5 - 17.5 months)		
Dairy Cattle	Milking-age cows (dry or milking)		
	Large-framed; 545 - 658 kg (e.g. Holsteins)		
	Medium-framed; 455 - 545 kg (e.g. Guernseys)		
	Small-framed; 364 - 455 kg (e.g. Jerseys)		
	Heifers (5 months to freshening)		
	Large-framed; 182 - 545 kg (e.g. Holsteins)		
	Medium-framed; 148 - 455 kg (e.g. Guernseys)		
	Small-framed; 125 - 364 kg (e.g. Jerseys)		
	Calves (0 - 5 months)		
	Large-framed; 45 - 182 kg (e.g. Holsteins)		
Medium-framed; 39 - 148 kg (e.g. Guernseys)			
Small-framed; 30 - 125 kg (e.g. Jerseys)			
Horses	Large-framed, mature; >681 kg (e.g. draft or draft cross breeds including unweaned offspring)		
	Medium-framed, mature; 227 - 680 kg (e.g. saddle, riding and racing breeds including unweaned offspring)		
	Small-framed, mature; <227 kg (e.g. ponies and miniatures including unweaned offspring)		

FARM DATA SHEET (continued)
Minimum Distance Separation I (MDSI)

County of Wellington

Animal Type of Material	Description	Housing Capacity (maximum)	Manure Storage Type (select from list)
Swine	Sows with litter, dry sows or boars		
	Breeder gilts (entire barn designed specifically for this purpose)		
	Weaners (7 – 27 kg)		
	Feeders (27 – 136 kg)		
Sheep	Ewes & rams (for meat lambs; includes unweaned offspring & replacements)		
	Ewes & rams (dairy operation; includes unweaned offspring & replacements)		
	Lambs (dairy or feeder lambs)		
Goats	Does & bucks (for meat kids; includes unweaned offspring and replacements)		
	Does & bucks (for dairy; includes unweaned offspring & replacements)		
	Kids (dairy or feeder kids)		
Chickens	Layer hens (for eating eggs; after transfer from pullet barn)		
	Layer pullets (day-olds until transferred into layer barn)		
	Broiler breeder growers (males/females transferred out to layer barn)		
	Broiler breeder layers (males/females transferred in from grower barn)		
	Broilers on any length of cycle		
Turkeys	Turkey poults (day-old until transferred to grow out turkey barn)		
	Turkey breeder layers (males/females transferred in from grower barn)		
	Breeder toms		
	Broilers (day-olds to 6.2 kg)		
	Hens (day-olds up to 6.2 to 10.8 kg; 7.5 kg is typical)		
	Toms (day-olds to over 10.8 to 20 kg; 14.5 kg is typical)		
	Turkeys at any other weights, or if unknown (by floor area)		
Veal	Milk-fed		
	Grain-fed		
Other	Please refer to Factor Table 1 of The Minimum Distance Separation (MDS) Document for complete list of animal types		
Imported manure	Use the volume of the manure storages		
Unoccupied livestock barns	A livestock barn that does not currently house any livestock, but that housed livestock in the past and continues to be structurally sound and reasonably capable of housing livestock.*		

*16 Backyard chickens **

*NOTE: This should only be used where obtaining information from the farm operator(s) and/or owner(s) was not possible (see Implementation Guideline 20 for more information).

** No livestock kept on site, backyard chickens only.*

**QUESTIONS?
PLEASE CONTACT**

County of Wellington
 Planning and Development Department
 74 Woolwich Street, Guelph
 ON N1H 3T9
 F 519.923.1694

Curtis Marshall, Senior Planner
 E curtism@wellington.ca
 T 519.837.2600 x2080
 1.800.663.0750 x2080

Jameson Pickard, Planner
 E jamesonp@wellington.ca
 T 519.837.2600 x2300
 1.800.663.0750 x2300

Michelle Innocente, Senior Planner
 E michellei@wellington.ca
 T 519.837.2600 x2960
 1.800.663.0750 x2960

FARM DATA SHEET (continued)
Minimum Distance Separation I (MDSI)

County of Wellington

Animal Type of Material	Description	Housing Capacity (maximum)	Manure Storage Type (select from list)
Swine	Sows with litter, dry sows or boars		
	Breeder gilts (entire barn designed specifically for this purpose)		
	Weaners (7 – 27 kg)		
	Feeders (27 – 136 kg)		
Sheep	Ewes & rams (for meat lambs; includes unweaned offspring & replacements)		
	Ewes & rams (dairy operation); includes unweaned offspring & replacements)		
	Lambs (dairy or feeder lambs)		
Goats	Does & bucks (for meat kids; includes unweaned offspring and replacements)		
	Does & bucks (for dairy; includes unweaned offspring & replacements)		
	Kids (dairy or feeder kids)		
Chickens	Layer hens (for eating eggs; transferred from pullet barn)		
	Layer pullets (day-olds transferred into layer barn)		
	Broiler breeder grower (males/females transferred out to layer barn)		
	Broiler breeder layer (males/females transferred in from grower barn)		
	Broilers on any length of cycle		
Turkeys	Turkey poults (day-old until transferred to grower turkey barn)		
	Turkey breeder layers (males/females transferred to grower barn)		
	Breeder toms		
	Broilers (day-olds to 6.2 kg)		
	Hens (day-olds up to 6.2 to 10.8 kg; 7.5 kg is typical)		
	Toms (day-olds to over 10.8 to 20 kg; 14.5 kg is typical)		
	Turkeys at any other weights, or if unknown (by floor area)		
Veal	Milk-fed		
	Grain-fed		
Other	Please refer to Factor Table 1 of The Minimum Distance Separation (MDS) Document for complete list of animal types		
Imported manure	Use the volume of the manure storages		
Unoccupied livestock barns	A livestock barn that does not currently house any livestock, but that housed livestock in the past and continues to be structurally sound and reasonably capable of housing livestock.*		

*NOTE: This should only be used where obtaining information from the farm operator(s) and/or owner(s) was not possible (see Implementation Guideline 20 for more information).

QUESTIONS?

PLEASE CONTACT

County of Wellington
 Planning and Development Department
 74 Woolwich Street, Guelph
 ON N1H 3T9
 F 519.923.1694

Linda Redmond, Senior Planner
 E lindar@wellington.ca
 T 519.837.2600 x2380
 1.800.663.0750 x2380

Sarah Wilhelm, Senior Planner
 E sarahw@wellington.ca
 T 519.837.2600 x2130
 1.800.663.0750 x2130



FARM DATA SHEET
Minimum Distance Separation I (MDSI)
County of Wellington

NOTE TO FARM OWNER(S)
 By filling out this form you will help to ensure that new land uses will be located a suitable distance from your livestock operation. Feel free to contact the County Planning office with any questions.

Owner(s) of Livestock Facility DOUGLAS J HUFFMAN

Contact Information

Email [REDACTED] Telephone [REDACTED]
 Civic Address 6928 Municipality PUSHNICHT
 Lot 19 Concession #1 Division _____
 Lot Size (where livestock facility is located) _____ hectares 100 acres

Signature of Livestock Facility Owner [REDACTED] Date NOV 20 2021

BARN(S) SIZE Please provide the size of the barns located on the property. This information is used to verify maximum livestock capacity. 3500 ft²/m² _____ ft²/m²

- Manure Storage Types** Solid manure: 18% dry matter, or more Liquid manure: <18% dry matter
- V1 Solid, inside, bedded pack
 - V2 Solid, outside, covered
 - V3 Solid, outside, no cover, ≥30% dry matter
 - V4 Solid, outside, no cover, 18% - <30% dry matter, with covered liquid runoff storage
 - V5 Liquid, inside, underneath slatted floor
 - V6 Liquid, outside, with a permanent, tight-fitting cover
 - L1 Solid, outside, no cover, 18%- <30% dry matter, with uncovered liquid runoff storage
 - L2 Liquid, outside, with a permanent floating cover
 - M1 Liquid, outside, no cover, straight-walled storage
 - M2 Liquid, outside, roof, but with open sides
 - H1 Liquid, outside, no cover, sloped-sided storage

Animal Type of Material	Description	Housing Capacity (maximum)	Manure Storage Type (select from list)
Beef Cattle	Cows, including calves to weaning (all breeds)	15	V3
	Feeders (7 – 16 months)	12	V3
	Backgrounders (7 – 12.5 months)	7	V3
	Shortkeepers (12.5 – 17.5 months)	5	V3
Dairy Cattle	Milking-age cows (dry or milking)		
	Large-framed; 545 – 658 kg (e.g. Holsteins)		
	Medium-framed; 455 – 545 kg (e.g. Guernseys)		
	Small-framed; 364 – 455 kg (e.g. Jerseys)		
	Heifers (5 months to freshening)		
	Large-framed; 182 – 545 kg (e.g. Holsteins)		
	Medium-framed; 148 – 455 kg (e.g. Guernseys)		
	Small-framed; 125 – 364 kg (e.g. Jerseys)		
	Calves (0 – 5 months)		
	Large-framed; 45 – 182 kg (e.g. Holsteins)		
Medium-framed; 39 – 148 kg (e.g. Guernseys)			
Small-framed; 30 – 125 kg (e.g. Jerseys)			
Horses	Large-framed, mature; >681 kg (e.g. draft or draft cross breeds including unweaned offspring)		
	Medium-framed, mature; 227 – 680 kg (e.g. saddle, riding and racing breeds including unweaned offspring)		
	Small-framed, mature; <227 kg (e.g. ponies and miniatures including unweaned offspring)		

FARM DATA SHEET (continued)
Minimum Distance Separation I (MDSI)

County of Wellington

Animal Type of Material	Description	Housing Capacity (maximum)	Manure Storage Type (select from list)
Swine	Sows with litter, dry sows or boars		
	Breeder gilts (entire barn designed specifically for this purpose)		
	Weaners (7 – 27 kg)		
	Feeders (27 – 136 kg)		
Sheep	Ewes & rams (for meat lambs; includes unweaned offspring & replacements)		
	Ewes & rams (dairy operation; includes unweaned offspring & replacements)		
	Lambs (dairy or feeder lambs)		
Goats	Does & bucks (for meat kids; includes unweaned offspring and replacements)		
	Does & bucks (for dairy; includes unweaned offspring & replacements)		
	Kids (dairy or feeder kids)		
Chickens	Layer hens (for eating eggs; after transfer from pullet barn)		
	Layer pullets (day-olds until transferred into layer barn)		
	Broiler breeder growers (males/females transferred out to layer barn)		
	Broiler breeder layers (males/females transferred in from grower barn)		
	Broilers on any length of cycle		
Turkeys	Turkey poults (day-old until transferred to grow out turkey barn)		
	Turkey breeder layers (males/females transferred in from grower barn)		
	Breeder toms		
	Broilers (day-olds to 6.2 kg)		
	Hens (day-olds up to 6.2 to 10.8 kg; 7.5 kg is typical)		
	Toms (day-olds to over 10.8 to 20 kg; 14.5 kg is typical)		
	Turkeys at any other weights, or if unknown (by floor area)		
Veal	Milk-fed		
	Grain-fed		
Other	Please refer to Factor Table 1 of The Minimum Distance Separation (MDS) Document for complete list of animal types		
Imported manure	Use the volume of the manure storages		
Unoccupied livestock barns	A livestock barn that does not currently house any livestock, but that housed livestock in the past and continues to be structurally sound and reasonably capable of housing livestock.*		

*NOTE: This should only be used where obtaining information from the farm operator(s) and/or owner(s) was not possible (see Implementation Guideline 20 for more information).

**QUESTIONS?
PLEASE CONTACT**

County of Wellington
Planning and Development Department
74 Woolwich Street, Guelph
ON N1H 3T9

P 519.837.2600 x2170
F 519.923.1694

Farm Data Sheet MDSI

Additional Information

Owner: Richard & Debbie Paddock

Lot 18, Concession 1, Puslinch ON, N0B-2J0

The barn on this property is 75' wide x 50' deep and has an upper level for hay / straw / grain and implement storage and a lower level to house cattle or horses. The barn is empty at the moment but the form has been completed with estimates for planning purposes.



FARM DATA SHEET
Minimum Distance Separation I (MDSI)
County of Wellington

NOTE TO FARM OWNER(S)

By filling out this form you will help to ensure that new land uses will be located a suitable distance from your livestock operation. Feel free to contact the County Planning office with any questions.

Owner(s) of Livestock Facility

Richard + Debbie Paddock

Contact Information

Email

[Redacted]

Telephone

[Redacted]

Civic Address

655 Concession 1

Municipality

Puslinch

Lot

18

Concession

1

Division

Lot Size (where livestock facility is located)

hectares

94

acres

Signature of Livestock Facility Owner

[Redacted]

Date

Nov 1 / 2021

BARN(S) SIZE

Please provide the size of the barns located on the property. This information is used to verify maximum livestock capacity.

75' x 50'

ft²/m²

ft²/m²

Manure Storage Types

Solid manure: 18% dry matter, or more

Liquid manure: <18% dry matter

V1 Solid, inside, bedded pack

V2 Solid, outside, covered

V3 Solid, outside, no cover, ≥30% dry matter

V4 Solid, outside, no cover, 18% - <30% dry matter, with covered liquid runoff storage

V5 Liquid, inside, underneath slatted floor

V6 Liquid, outside, with a permanent, tight-fitting cover

L1

Solid, outside, no cover, 18% - <30% dry matter, with uncovered liquid runoff storage

L2

Liquid, outside, with a permanent floating cover

M1

Liquid, outside, no cover, straight-walled storage

M2

Liquid, outside, roof, but with open sides

H1

Liquid, outside, no cover, sloped-sided storage

Animal Type of Material	Description	Housing Capacity (maximum)	Manure Storage Type (select from list)
Beef Cattle	Cows, including calves to weaning (all breeds)	<u>50</u>	<u>V3</u>
	Feeders (7 – 16 months)		
	Backgrounders (7 – 12.5 months)		
	Shortkeepers (12.5 – 17.5 months)		
Dairy Cattle	Milking-age cows (dry or milking)		
	Large-framed; 545 – 658 kg (e.g. Holsteins)		
	Medium-framed; 455 – 545 kg (e.g. Guernseys)		
	Small-framed; 364 – 455 kg (e.g. Jerseys)		
	Heifers (5 months to freshening)		
	Large-framed; 182 – 545 kg (e.g. Holsteins)		
	Medium-framed; 148 – 455 kg (e.g. Guernseys)		
	Small-framed; 125 – 364 kg (e.g. Jerseys)		
	Calves (0 – 5 months)		
	Large-framed; 45 – 182 kg (e.g. Holsteins)		
Medium-framed; 39 – 148 kg (e.g. Guernseys)			
Small-framed; 30 – 125 kg (e.g. Jerseys)			
Horses	Large-framed, mature; >681 kg (e.g. draft or draft cross breeds including unweaned offspring)	<u>10</u>	<u>V3</u>
	Medium-framed, mature; 227 – 680 kg (e.g. saddle, riding and racing breeds including unweaned offspring)		
	Small-framed, mature; <227 kg (e.g. ponies and miniatures including unweaned offspring)		

213

FARM DATA SHEET (continued)
Minimum Distance Separation I (MDSI)

County of Wellington

Animal Type of Material	Description	Housing Capacity (maximum)	Manure Storage Type (select from list)
Swine	Sows with litter, dry sows or boars		
	Breeder gilts (entire barn designed specifically for this purpose)		
	Weaners (7 – 27 kg)		
	Feeders (27 – 136 kg)		
Sheep	Ewes & rams (for meat lambs; includes unweaned offspring & replacements)		
	Ewes & rams (dairy operation; includes unweaned offspring & replacements)		
	Lambs (dairy or feeder lambs)		
Goats	Does & bucks (for meat kids; includes unweaned offspring and replacements)		
	Does & bucks (for dairy; includes unweaned offspring & replacements)		
	Kids (dairy or feeder kids)		
Chickens	Layer hens (for eating eggs; after transfer from pullet barn)		
	Layer pullets (day-olds until transferred into layer barn)		
	Broiler breeder growers (males/females transferred out to layer barn)		
	Broiler breeder layers (males/females transferred in from grower barn)		
	Broilers on any length of cycle		
Turkeys	Turkey poults (day-old until transferred to grow out turkey barn)		
	Turkey breeder layers (males/females transferred in from grower barn)		
	Breeder toms		
	Broilers (day-olds to 6.2 kg)		
	Hens (day-olds up to 6.2 to 10.8 kg; 7.5 kg is typical)		
	Toms (day-olds to over 10.8 to 20 kg; 14.5 kg is typical)		
	Turkeys at any other weights, or if unknown (by floor area)		
Veal	Milk-fed		
	Grain-fed		
Other	Please refer to Factor Table 1 of The Minimum Distance Separation (MDS) Document for complete list of animal types		
Imported manure	Use the volume of the manure storages		
Unoccupied livestock barns	A livestock barn that does not currently house any livestock, but that housed livestock in the past and continues to be structurally sound and reasonably capable of housing livestock.*		

*NOTE: This should only be used where obtaining information from the farm operator(s) and/or owner(s) was not possible (see Implementation Guideline 20 for more information).

**QUESTIONS?
PLEASE CONTACT**

County of Wellington
Planning and Development Department
74 Woolwich Street, Guelph
ON N1H 3T9

P 519.837.2600 x2170
F 519.923.1694

313

Hillary Miller

From: Andrew Hartholt
Sent: Friday, March 24, 2023 9:58 AM
To: Hillary Miller
Subject: RE: Minor Variance Notice of Public Hearing - D13/REI - 6975 Concession 1

Hillary,

I have no concerns from a Building Code perspective for the reduction in MDS setback for the D13/REI - 6975 Concession 1 variance application.



Andrew Hartholt, CBCO/CRBO
Chief Building Official
Township of Puslinch
7404 Wellington Rd. 34, Puslinch, ON N0B 2J0
P: 519-763-1226 ext. 229/Fax: 519-763-5846 www.puslinch.ca

My work hours may not match yours, and I do not expect you to respond outside your working hours

From: Hillary Miller <hmiller@puslinch.ca>
Sent: Wednesday, March 22, 2023 4:21 PM
To: Brent Smith <bsmith@puslinch.ca>; Mike Fowler <mfowler@puslinch.ca>; Services <services@puslinch.ca>; Andrew Hartholt <ahartholt@puslinch.ca>; Jacob Normore <jnormore@puslinch.ca>
Subject: Minor Variance Notice of Public Hearing - D13/REI - 6975 Concession 1

Good afternoon,

Attached please find the Notice of Public Hearing with respect to the above property for your review and comment. Please provide any comments you might have by March 31, 2023.

Kind regards,



Hillary Miller
Legislative Assistant
Township of Puslinch
7404 Wellington Rd. 34, Puslinch, ON N0B 2J0
P: 519-763-1226 x207/Fax: 519-763-5846 www.puslinch.ca

Hillary Miller

From: Brent Smith
Sent: Friday, March 24, 2023 1:03 PM
To: Hillary Miller
Cc: Tom Mulvey
Subject: RE: Minor Variance Notice of Public Hearing - D13/REI - 6975 Concession 1

Hi Hillary,
Puslinch Fire and Rescue Services reviewed the minor variance proposal for 6975 concession 1 on March 24, 2023 . The department has no concerns.

Thanks

Brent Smith

CFPO

Puslinch Fire and Rescue Services

From: Hillary Miller <hmiller@puslinch.ca>
Sent: Wednesday, March 22, 2023 4:21 PM
To: Brent Smith <bsmith@puslinch.ca>; Mike Fowler <mfowler@puslinch.ca>; Services <services@puslinch.ca>; Andrew Hartholt <ahartholt@puslinch.ca>; Jacob Normore <jnormore@puslinch.ca>
Subject: Minor Variance Notice of Public Hearing - D13/REI - 6975 Concession 1

Good afternoon,

Attached please find the Notice of Public Hearing with respect to the above property for your review and comment. Please provide any comments you might have by March 31, 2023.

Kind regards,



Hillary Miller
Legislative Assistant
Township of Puslinch
7404 Wellington Rd. 34, Puslinch, ON N0B 2J0
P: 519-763-1226 x207/Fax: 519-763-5846 www.puslinch.ca



March 30, 2023

via email

GRCA File: D13-REI – 6975 Concession 1

Lynne Banks
Township of Puslinch
7404 Wellington Road 34
Puslinch, ON N0B 2J0

Dear Ms. Banks,

Re: Minor Variance Application D13/REI
6975 Concession 1, Township of Puslinch
Lilian & Alexander Reinfels

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted minor variance application.

Recommendation

The Grand River Conservation Authority (GRCA) has no objection to the proposed minor variance application.

GRCA Comments

GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a regulatory authority under Ontario Regulation 150/06, and as a public body under the *Planning Act* as per our CA Board approved policies.

Information currently available at this office indicates that the subject property contains wetlands and the regulated allowance adjacent to the wetlands. A copy of our resource mapping is attached.

Due to the presence of the above-noted features, portions of the property are regulated by the GRCA under Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

The minor variance application requests permission to allow reduced MDS setbacks from livestock facilities to a lot proposed through consent application B117-22. The requested minor variances are required to satisfy a condition of approval for B117-22. The GRCA has no objection to the approval of the minor variance application.

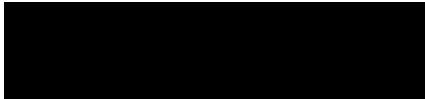
We wish to acknowledge receipt of the applicable plan review fee for our review of the related application B117-22. As such, a GRCA plan review fee for this application is not required.

For Municipal Consideration

Please be advised that on January 1, 2023, a new Minister's regulation (Ontario Regulation 596/22: Prescribed Acts – Subsections 21.1.1 (1.1) and 21.1.2 (1.1) of the Conservation Authorities Act) came into effect. As a result, non-mandatory technical review services that the GRCA formerly provided under agreement with some municipalities (e.g., technical reviews related to natural heritage and select aspects of stormwater management) will no longer be provided.

Should you have any questions, please contact me at 519-621-2763 ext. 2228 or aherreman@grandriver.ca.

Sincerely,



Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

Enclosed: GRCA Mapping

Copy: Lilian & Alexander Reinfels (via email)

Jeff Buisman, Van Harten Surveying Inc. (via email)



D13-REI - 6975 Concession 1

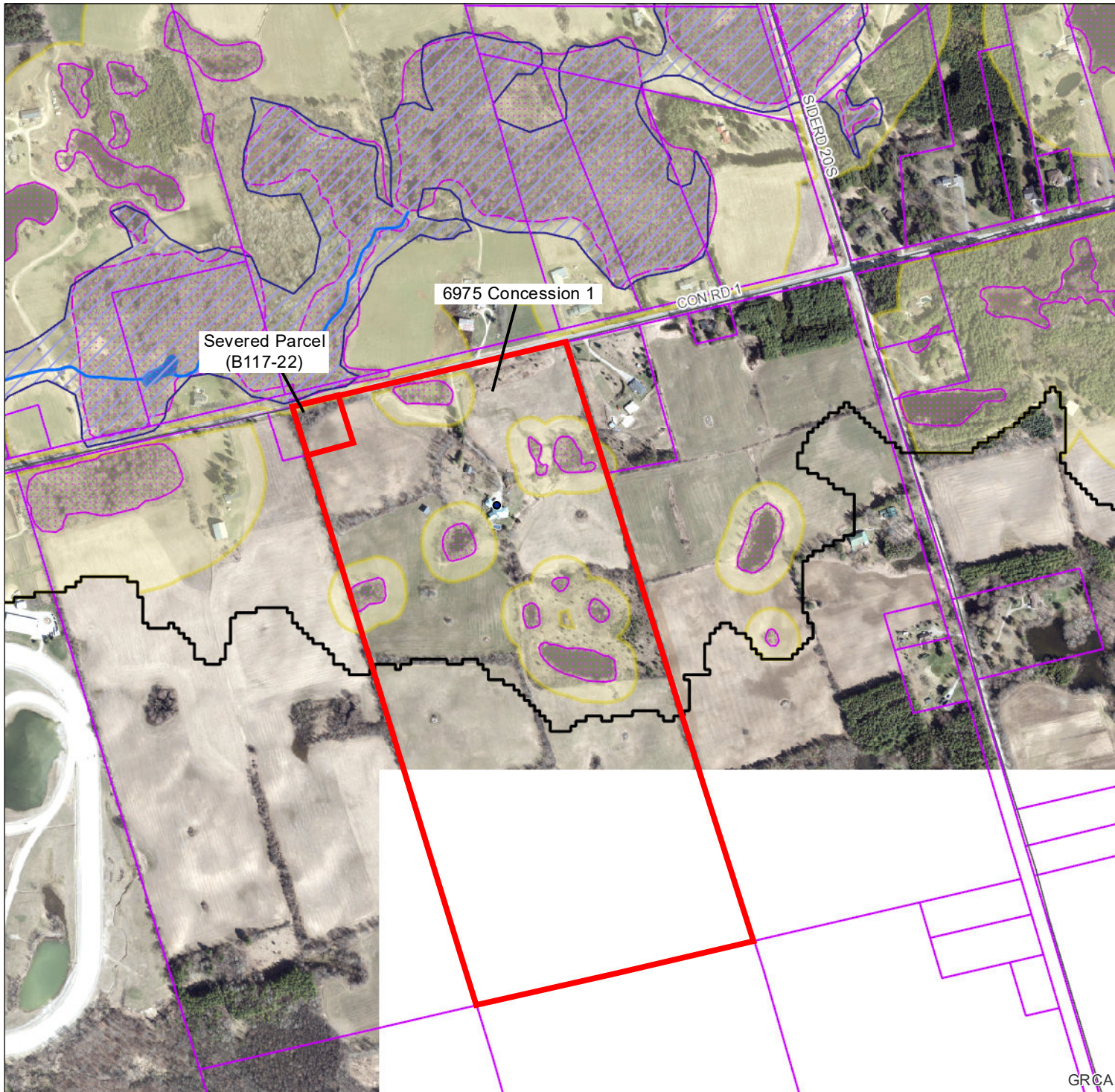
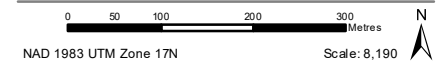


Legend

- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Floodplain (GRCA)
 - Engineered
 - Estimated
 - Approximate
 - Special Policy Area
- Slope Valley (GRCA)
 - Steep
 - Oversteep
 - Steep
- Slope Erosion (GRCA)
 - Oversteep
 - Toe
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)

This legend is static and may not fully reflect the layers shown on the map. The text of Ontario Regulation 150/06 supercedes the mapping as represented by these layers.

Copyright Grand River Conservation Authority, 2023. Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user. The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to: <https://maps.grandriver.ca/Sources-and-Citations.pdf>





**PLANNING REPORT
for the TOWNSHIP OF PUSLINCH**

Prepared by the County of Wellington Planning and Development Department in our capacity as planning consultants for the Township

MEETING DATE: April 11th, 2023
TO: Lynne Banks, Development and Legislative Coordinator
 Township of Puslinch
FROM: Asavari Jadhav, Junior Planner
 Joanna Salsberg, Planner
 County of Wellington
SUBJECT: **MINOR VARIANCE APPLICATION D13/REI (Lilian and Alexander Reinfels)
 6975 Concession 1**
ATTACHMENTS: 1 – Aerial with MDS setbacks

We have reviewed the application for minor variance and provide the following comments. These comments are offered without the benefit of a site visit.

Planning Opinion

The purpose of this application is to seek relief from the Township Zoning By-law for the Minimum Distance Separation I (MDS I) requirements to fulfill a condition of consent application **B117/22** which was conditionally granted by the County of Wellington Land Division Committee in October 2022. The consent application would sever a 0.5 ha (1.2 ac) vacant parcel and a 37.7 ha (93.2 ac) lot with an existing dwelling, old log cabin, horse run-in, solar panel and pool would be retained.

The applicant requires a setback reduction to the livestock structures (barns) located at 6955 Concession 1 and 6978 Concession 1. The subject minor variance application would seek relief from Section 4.16.1 of the Zoning By-law and reduce the minimum required MDS I setback of 226 meters and 221 meters to 153 meters for the barn at 6955 Concession 1 and 203 meters for the barn at 6978 Concession 1.

The minor variance application would maintain the general intent and purpose of the Official Plan and Zoning By-law, and is desirable and appropriate for the development of the subject property. We consider the request minor and have no concerns with the application.

Proposal:

Section of the By-law	Required	Proposed	Relief Requested
4.16.1 a MDS I – New Non-Farm Uses	Notwithstanding any other yard or setback provisions of this By-law to the contrary, no residential, institutional, commercial, industrial or recreational use, located on a separate lot and permitted within the Agricultural (A) Zone or any other zone in which agricultural uses are permitted, shall be erected or altered unless it complies with the Minimum Distance Separation I (MDS I) setback from a livestock facility, calculated using the Formulas published by the Province of Ontario, as may be amended from time to time. 6955 Concession 1 – 226 m (741.47 ft) is required	153 m (501.96 ft)	73 m (239.50 ft)

<p>4.16.1 a MDS I – New Non- Farm Uses</p>	<p>Notwithstanding any other yard or setback provisions of this By-law to the contrary, no residential, institutional, commercial, industrial or recreational use, located on a separate lot and permitted within the Agricultural (A) Zone or any other zone in which agricultural uses are permitted, shall be erected or altered unless it complies with the Minimum Distance Separation I (MDS I) setback from a livestock facility, calculated using the Formulas published by the Province of Ontario, as may be amended from time to time.</p> <p>6978 Concession 1 – 221 m (725.07 ft) is required</p>	<p>203 m (666.01 ft)</p>	<p>18 m (59.05 ft)</p>
--	---	----------------------------------	----------------------------

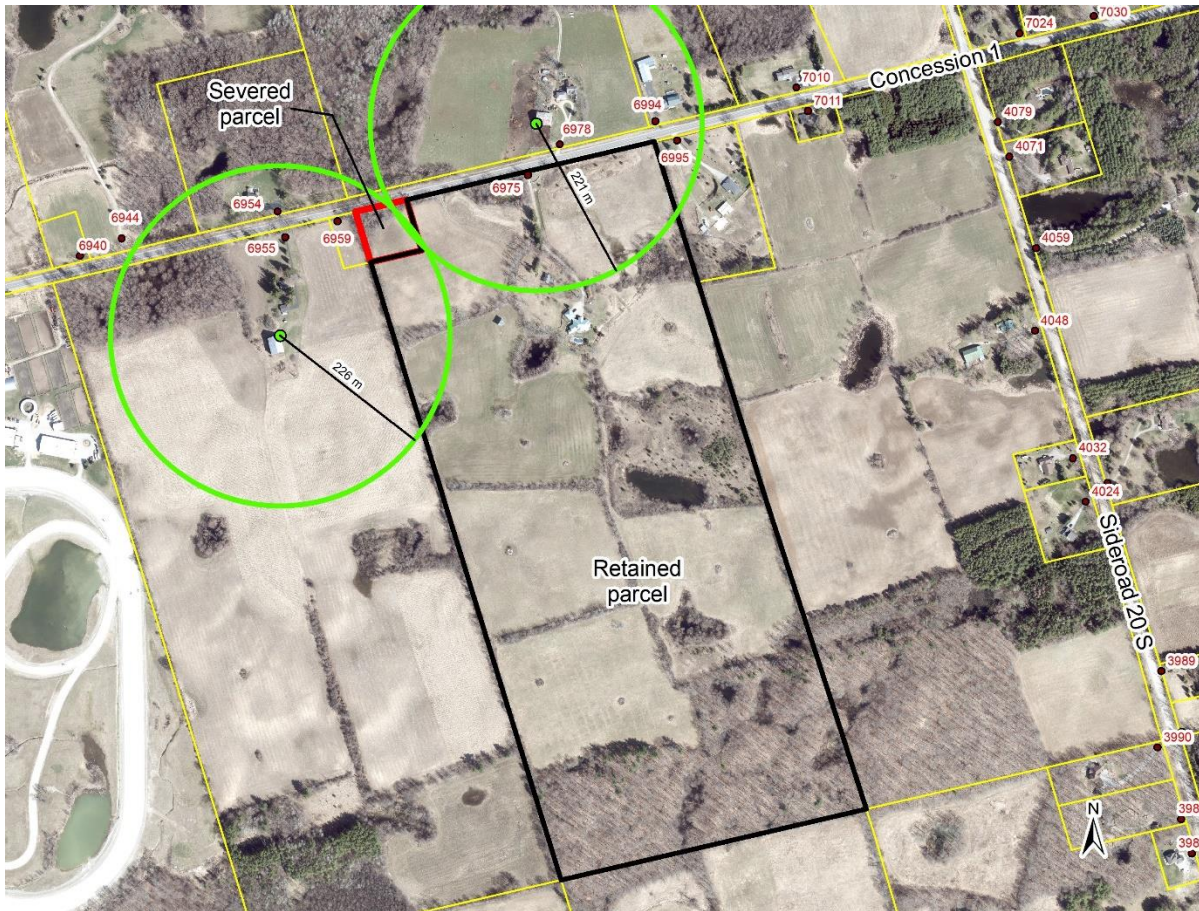


Figure 1 - Subject Property

Our discussion of this application relative to the four tests under the Planning Act is as follows:

Four Tests	Discussion
<p>That the requested variance is minor in nature</p>	<ul style="list-style-type: none"> • The purpose of this application is to request relief from the required MDS I setback to facilitate creation of a new rural residential parcel. • Consent application B117/22 has been conditionally approved and this minor variance application is to satisfy Conditions 7 and 10 for the MDS I regulation setback relief. • Under Guideline #41 of the MDS Document Publication 853 MDS I setbacks for vacant lots less than 1 ha are measured from the shortest distance between the proposed lot line and either the surrounding livestock occupied portions of the livestock barns or manure storages. • The MDS I calculation for the barn located at 6955 Concession 1 and 6978

	<p>Concession 1 are 226 meters and 221 meters respectively, these calculations are based on a Type A land use. Relief requested is for reduced minimum required setback of 153 meters and 203 meters.</p> <ul style="list-style-type: none"> • The intent of MDS I setbacks is to reduce odour conflicts by separating incompatible land uses and to avoid and/or limit negative impacts on livestock operations and future modifications to livestock operations including their ability to expand. Guideline #43 of the MDS document provides for the consideration of MDS I relief. • Suitable alternative locations are limited for the severed parcel on the subject property. • There are other dwellings and vacant lots on surrounding properties that are located closer to the existing barns than the severed parcel on the subject lands. • There is dwelling that was recently constructed at 6959 Concession 1 that appears to be located closer to the barn at 6955 Concession 1. The lot line for this parcel appears to be approximately 123 m (403 ft) to the barn. The dwelling at 6994 Concession 1 is approximately 140 m (459.3 ft) from the barn located at 6978 Concession 1. These dwellings/lots are located closer to the existing barns than the severed parcel on the subject lands.
<p>That the intent and purpose of the Zoning By-law is maintained</p>	<ul style="list-style-type: none"> • The subject property is zoned Agricultural (A) and Natural Environmental (NE), and are within the Environmental Protection Zone Overlay. • A single detached dwelling is a permitted use within the A Zone. • Section 4.16.1(a) requires that ‘no residential use located on a separate lot and permitted within the Agricultural (A) Zone or any other zone in which agricultural uses are permitted, shall be erected or altered unless it complies with the MDS I setback from a livestock facility, calculated using the Formulas published by the Province of Ontario, as may be amended from time to time’. • The intent of the By-law provisions is to implement the directives of the Provincial MDS Guidelines which in turn seek to limit land use conflicts.
<p>That the general intent and purpose of the Official Plan is maintained</p>	<ul style="list-style-type: none"> • The subject property is designated as Secondary Agricultural, Core Greenlands and Greenlands within the County of Wellington Official Plan. Identified features include Significant Wooded Area and GRCA regulated Wetlands. • The subject lands are also located within the Paris Galt Moraine Policy Area. • Consent application B117/22 has been conditionally approved by the County of Wellington Land Division Committee and was deemed to be consistent with the Official Plan subject to MDS I compliance.
<p>That the variance is desirable and appropriate development and use of the land, building or structure</p>	<ul style="list-style-type: none"> • The subject property is surrounded by agricultural and rural residential uses. • Planning staff do not anticipate that a new residential use in this location would further hinder or preclude the present use or future potential for the agricultural operations in question given that a number of existing rural residential uses are already located closer to both barns and these uses have existed for some time.

	<ul style="list-style-type: none">• The severed lands could impact future expansions of the livestock facility on 6955 Concession 1 and 6978 Concession 1; however, the proposed severed lot is not the closest neighbouring dwelling to the barn located at 6955 Concession 1 and 6978 Concession 1. A dwelling/lot exists at 6959 Concession 1 and a closer dwelling is located at 6994 Concession 1. These properties would also impact future expansions to the livestock facilities.
--	---

In conclusion, planning staff is of the opinion that the requested variance application meets the **four tests of the Planning Act**. I trust that these comments will be of assistance to the Committee in their consideration of this matter. We would appreciate a copy of the Committee's decision with respect to this application.

Respectfully submitted
County of Wellington Planning and Development Department

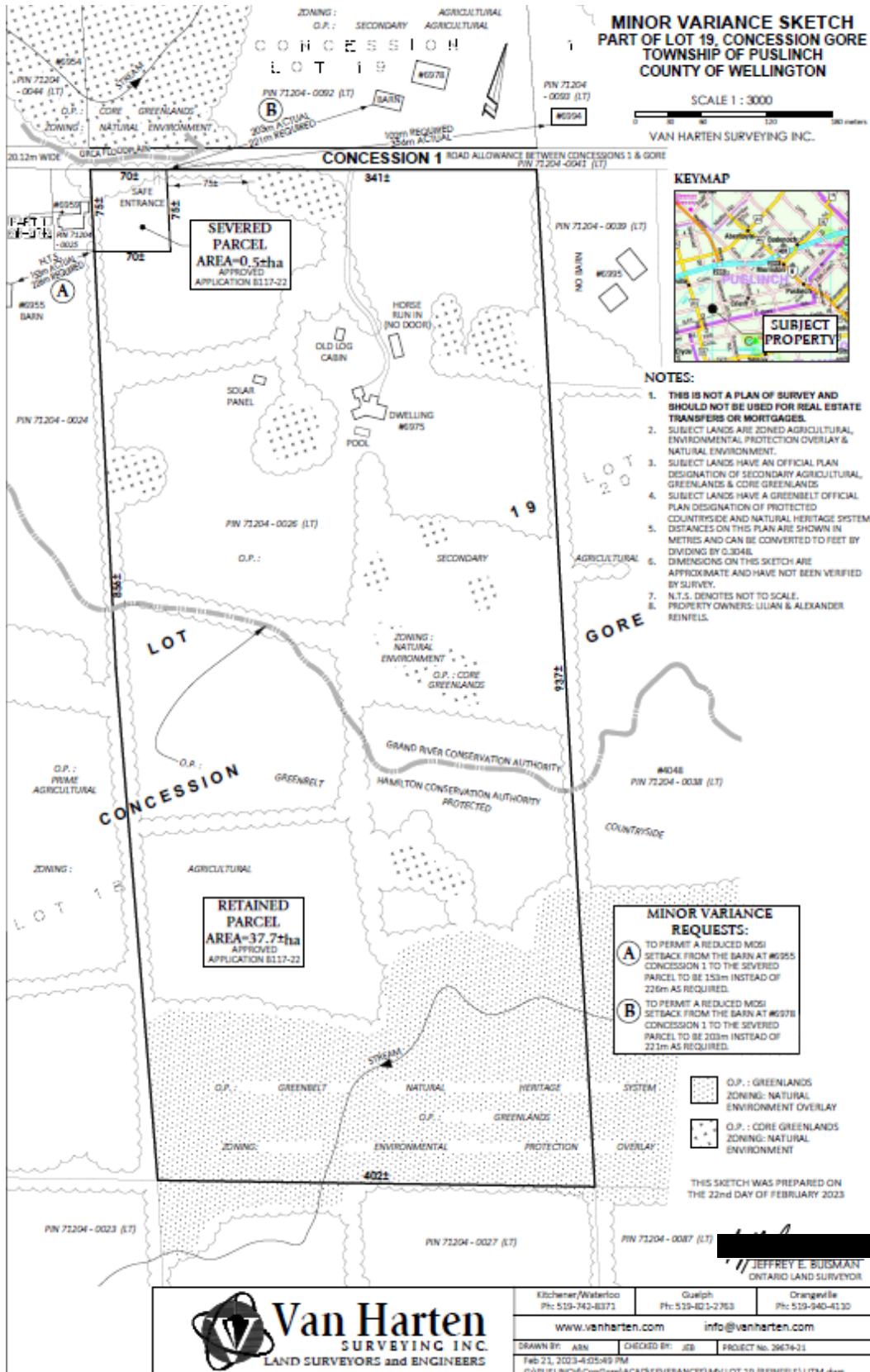


Asavari Jadhav
Junior Planner



Joanna Salsberg, B.A., M.P.L.
Planner,

ATTACHMENT 1: Site Plan Submitted by Applicant



Hillary Miller

From: Township of Puslinch <services@puslinch.ca>
Sent: Monday, February 27, 2023 1:26 PM
To: Hillary Miller
Subject: New Entry: Minor Variance or Permission Application

Minor Variance Type 1 Item Code: PLAMVA
Minor Variance Type 2 Item Code: PLAMVA2

How many registered owners are on title?

2

Registered Owner's Name (Person one)

James Burmaster

Registered Owner's Email Address (Person one)

[REDACTED]

Registered Owner's Phone Number (Person one)

[REDACTED]

Registered Owner's Name (Person two)

Melissa Burmaster

Registered Owner's Email Address (Person two)

[REDACTED]

Registered Owner's Phone Number (Person two)

[REDACTED]

Property Subject of the Minor Variance

4390 Wellington Rd. 32
Cambridge, ON
N3C 2V4

Applicant (Agent) Name

James Burmaster

Applicant (Agent) Address

4390 Wellington Rd. 32
Cambridge, ON
N3C 2V4

Applicant (Agent) Email

[REDACTED]

Applicant (Agent) Phone Number



Name, address, and phone number of all persons having any mortgages, charges, or encumbrances on the property

James & Melissa only as indicated above

Send correspondence to

Agent

Municipal Address

4390 Wellington Rd 32
CON 2 FRONT PT LOT 5 RP; 61R7578 PARTS 1,2 & 3
Cambridge, ON
N3C 2V4

Concession

2

Lot

5

Registered Plan Number

08130413579

Area in Hectares

1.12

Area in Acres

2.8

Depth in Meters

147.588

Depth in Feet

484

Frontage in Meters

75.960

Frontage in Feet

249

Please indicate the Section of the Planning Act under which this application is being made

Section 45(2) relates to a change to or expansion of an existing legal non-conforming use

What is the nature and extent of the relief that is being applied for?

Not sure of the applicability of this question.

I am replacing an existing deck with a new porch, roughly the same as the old deck but with a roof and windows.

Sketch of the nature and extent of the relief that is being applied for

 [Sunroom-Addition-Structural-Plan-Jan-16_cp_17592249286724.pdf](#)

Why is it not possible to comply with the provisions of the by-law?

Not sure of the applicability of this question.

I am only replacing a deck structure with a new structure.

Sketch for why is it not possible to comply with the provisions of the by-law

 [Sunroom-Addition-Structural-Plan-Jan-16.pdf](#)

Official Plan Designation

Not sure - see Municipal ID 08130413579

Zoning Designation

NE

What is the access to the subject property?

Continually maintained municipal road

What is the name of the road or street that provides access to the subject property?

Wellington Rd. 32

Private Well

Existing

Private Septic

Existing

How is storm drainage provided?

Ditches

What is the existing use of the subject property?

Residential

What is the existing use of the abutting properties?

Residential and Agricultural

Main Building Height in Meters

4.8

Main Building Height in Feet

16

Percentage Lot Coverage in Meters

4% (percent is unitless)

Percentage Lot Coverage in Feet

4% (percent is unitless)

Number of Parking Spaces

2

Number of Loading Spaces

0

Number of Floors

1

Total Floor Area in Square Meters

316

Total Floor Area in Square Feet

3400

Ground Floor Area (Exclude Basement) in Square Meters

158

Ground Floor Area (Exclude Basement) in Square Feet

1700

Front Yard in Meters

23

Front Yard in Feet

76

Rear Yard in Meters

55

Rear Yard in Feet

182

Side Yard (1) in Meters

15

Side Yard (1) in Feet

50

Side Yard (2) in Meters

29

Side Yard (2) in Feet

95

Date of acquisition of subject property

September 15, 2016

Date of construction of buildings property

September 1, 1985

How long have the existing uses continued on the subject property?

Since built

Has the owner previously applied for relief in respect of the subject property?

No

Planning Application: Official Plan Amendment

No

Planning Application: Zoning By-Law Amendment

No

Planning Application: Plan of Subdivision

No

Planning Application: Consent (Severance)

No

Planning Application: Site Plan

No

Planning Application: Minor Variance

No

The Agent/Solicitor is different than the owner

No

Please select your Minor Variance Type

Minor Variance Type 2 - \$ 1,365.00

Convenience Fee (1.75%)

\$ 23.89

Total

\$ 1,388.89

Credit Card

[REDACTED]

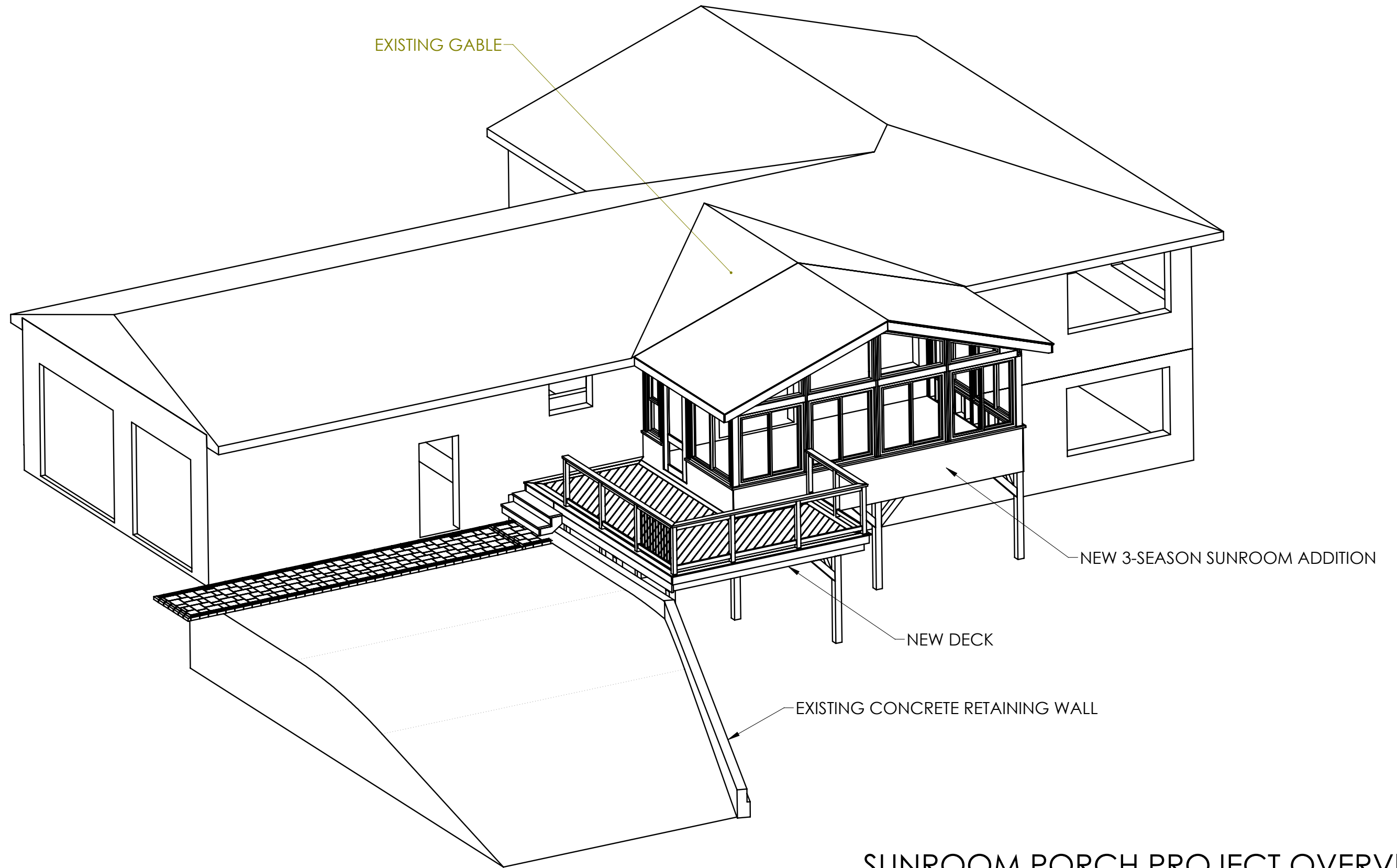
Name

James Burmaster

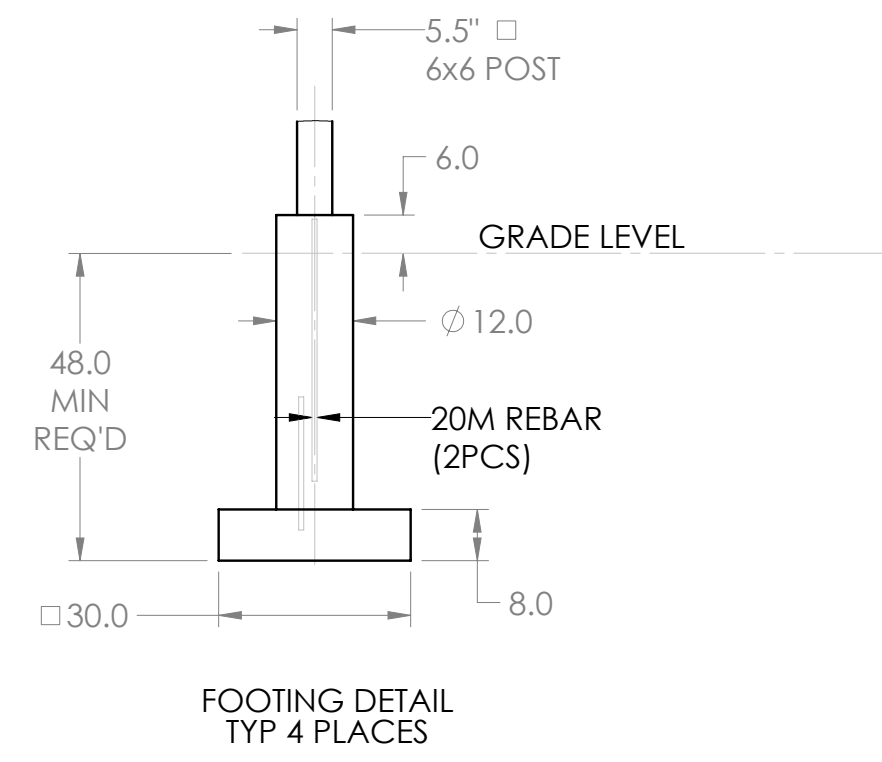
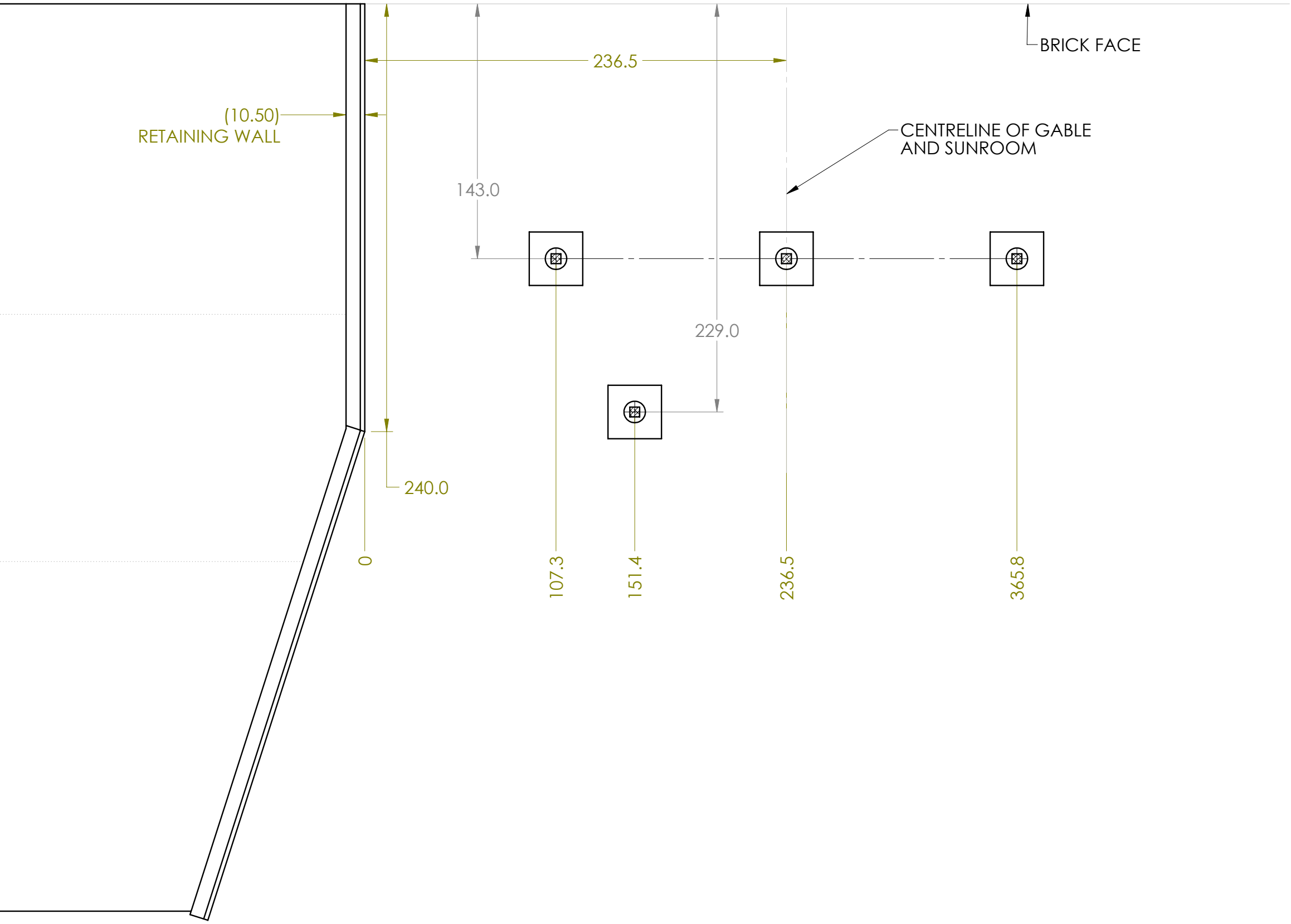
Minor Variance Application must be commissioned

I understand that prior to the Minor Variance Application being deemed complete it must be commissioned by all registered owners or the agent responsible for the application.

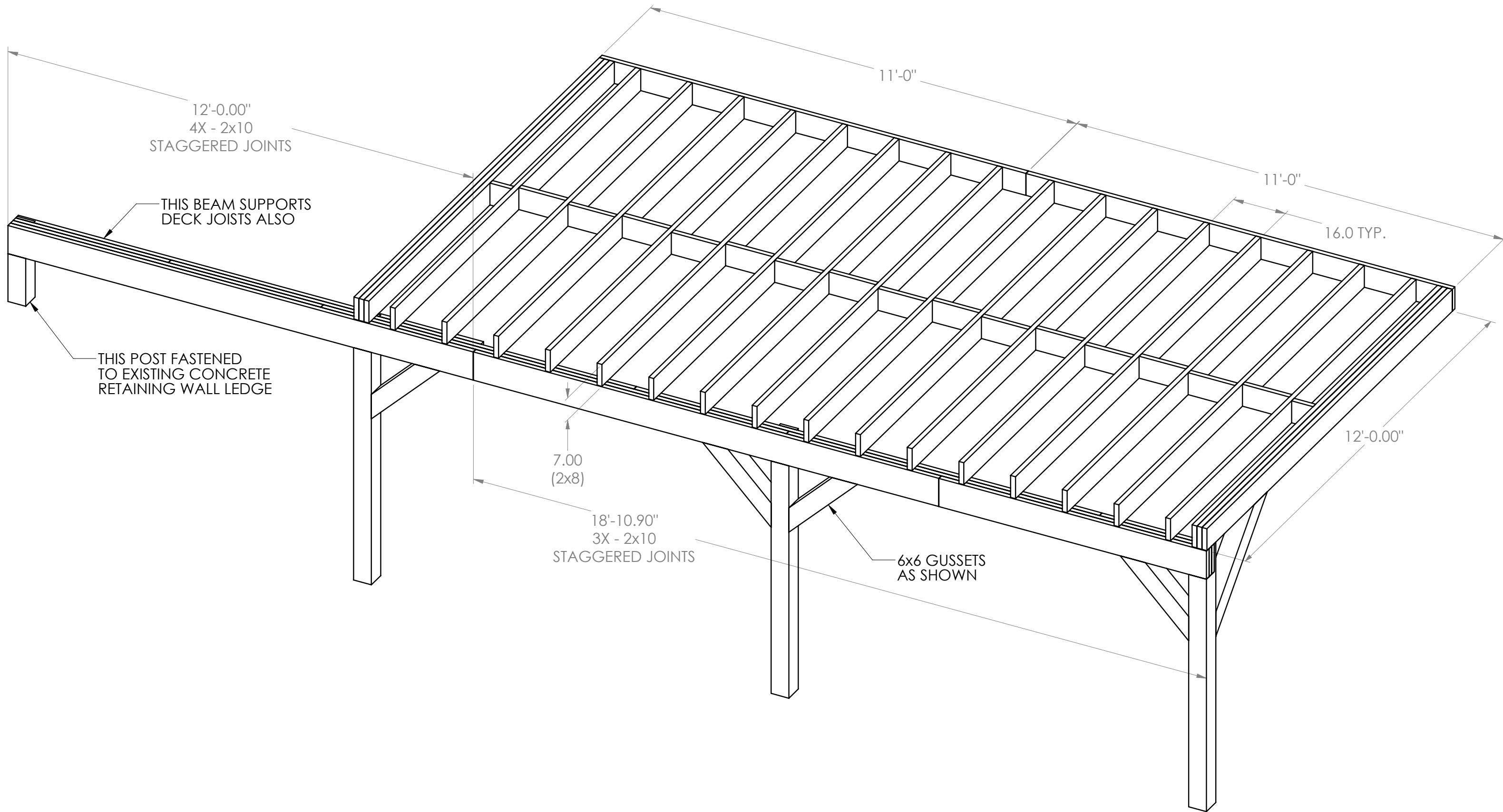
Sent from [Township of Puslinch](#)



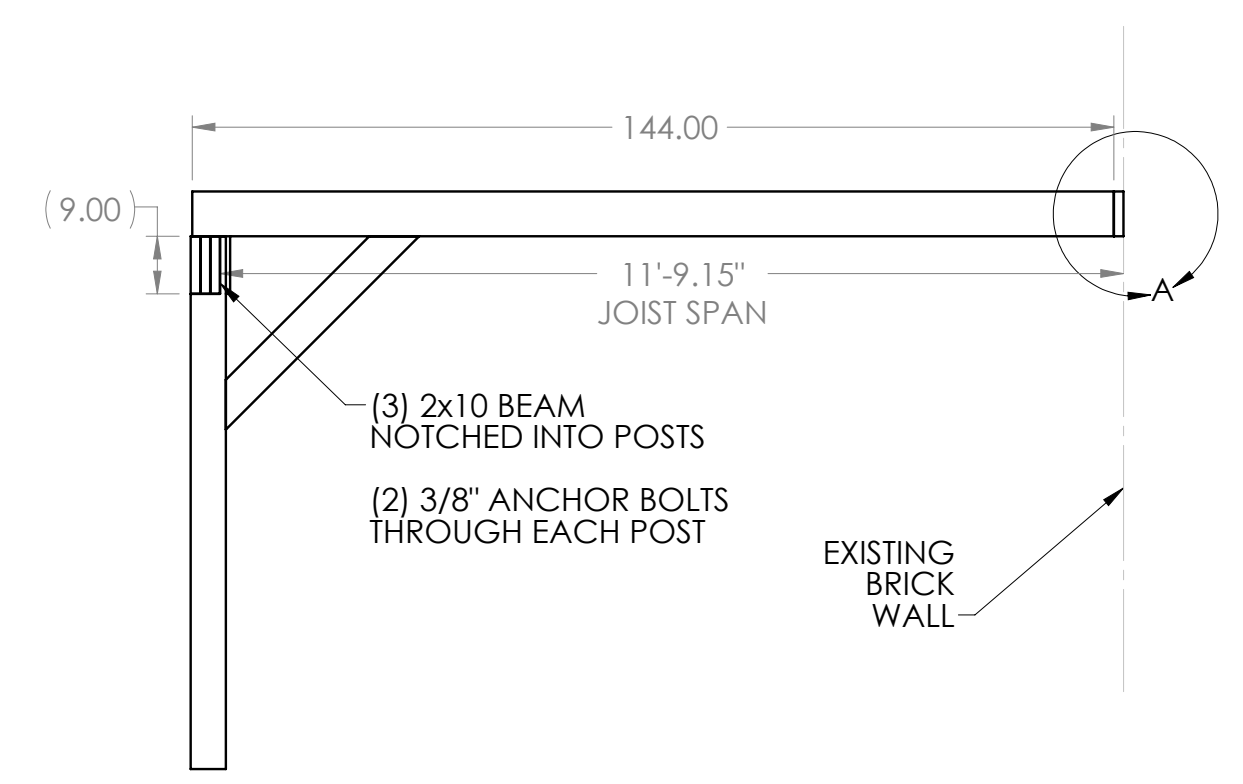
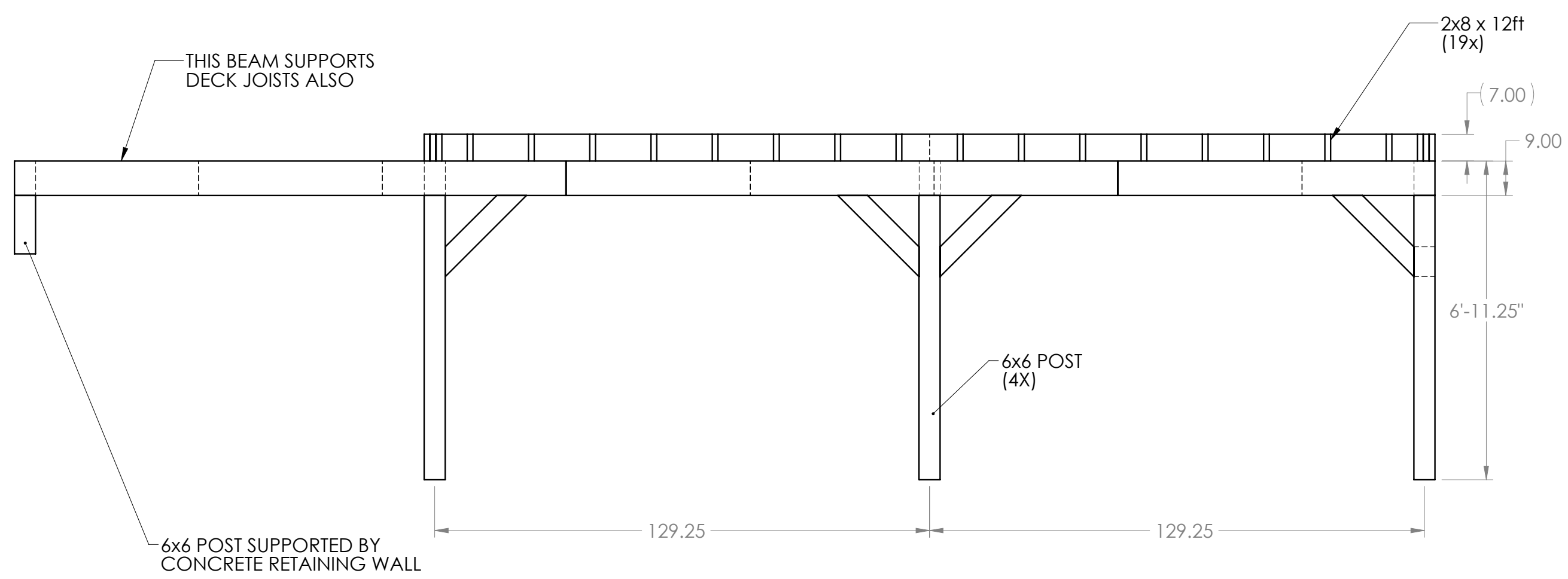
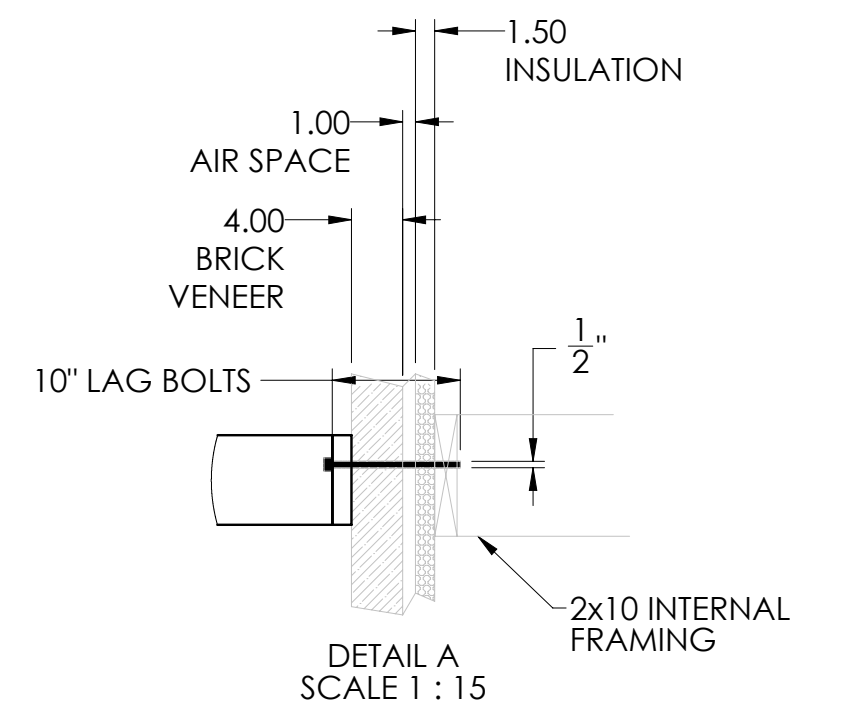
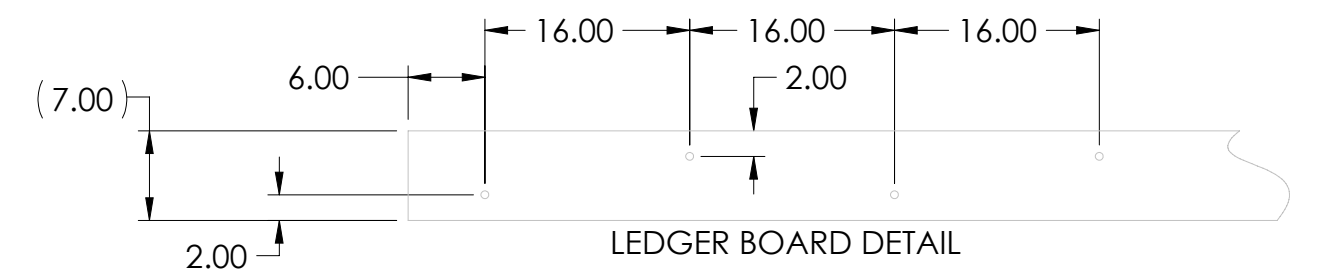
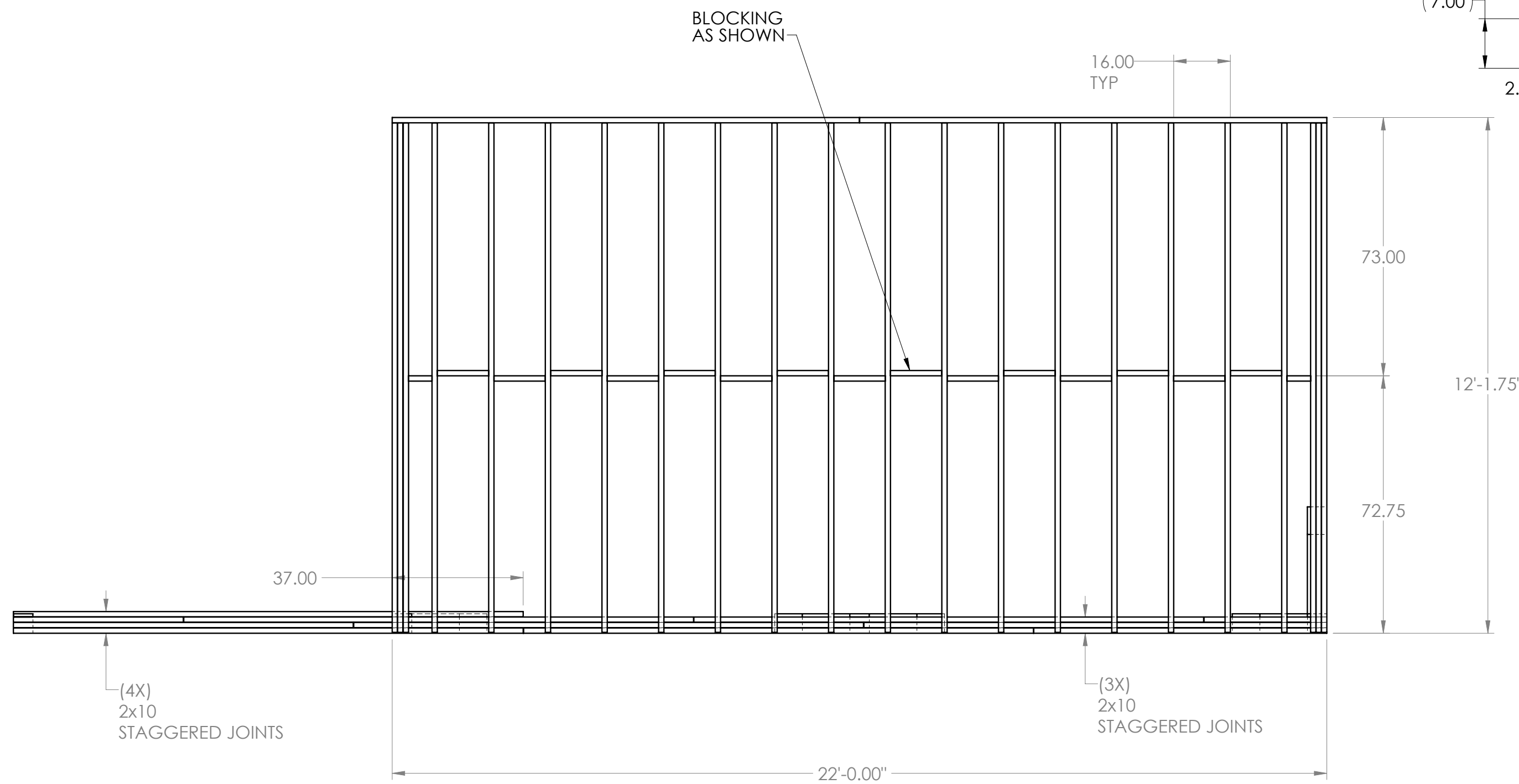
SUNROOM PORCH PROJECT OVERVIEW



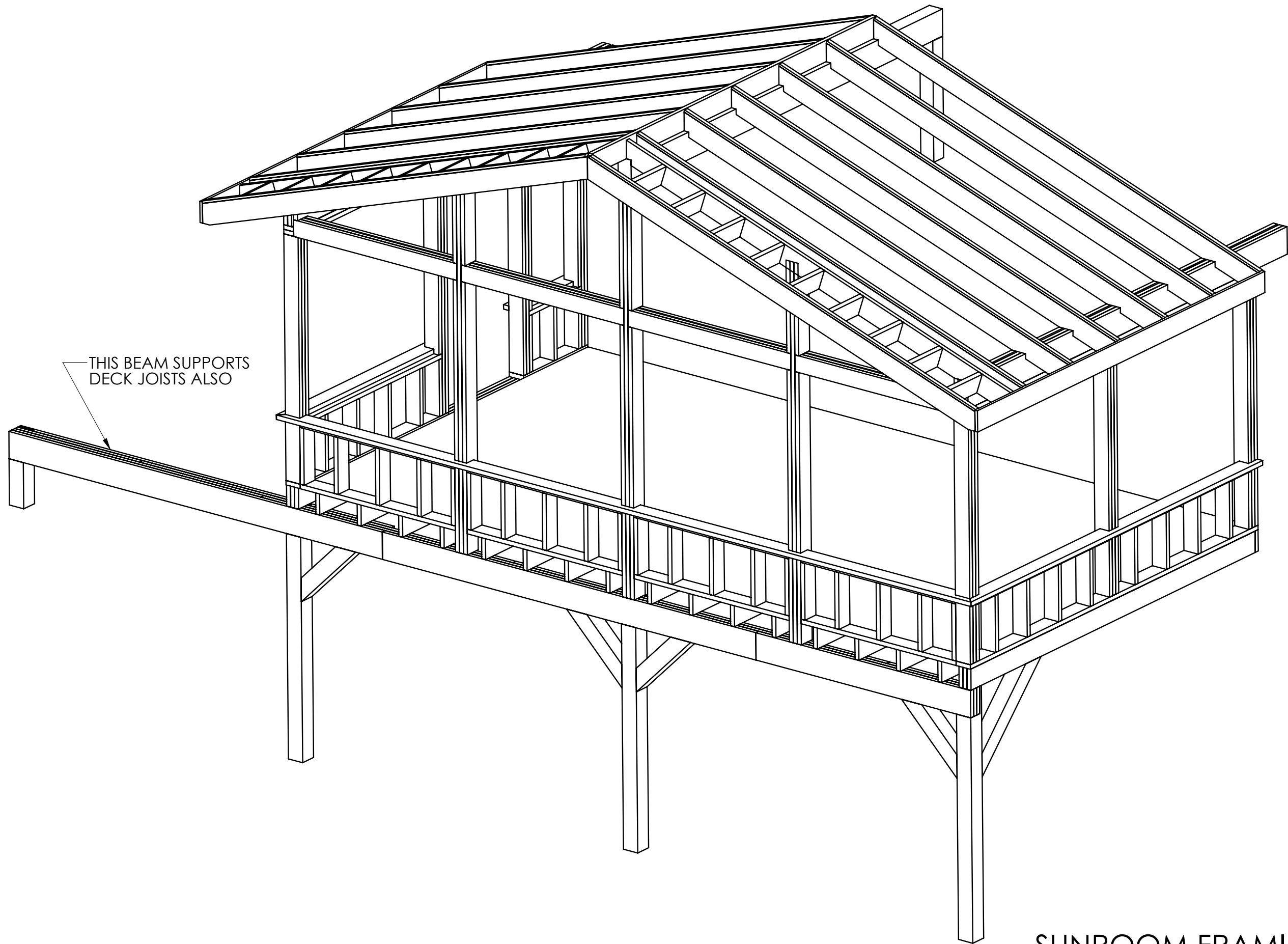
CONCRETE FOOTING DETAIL



SUNROOM FLOOR JOIST LAYOUT

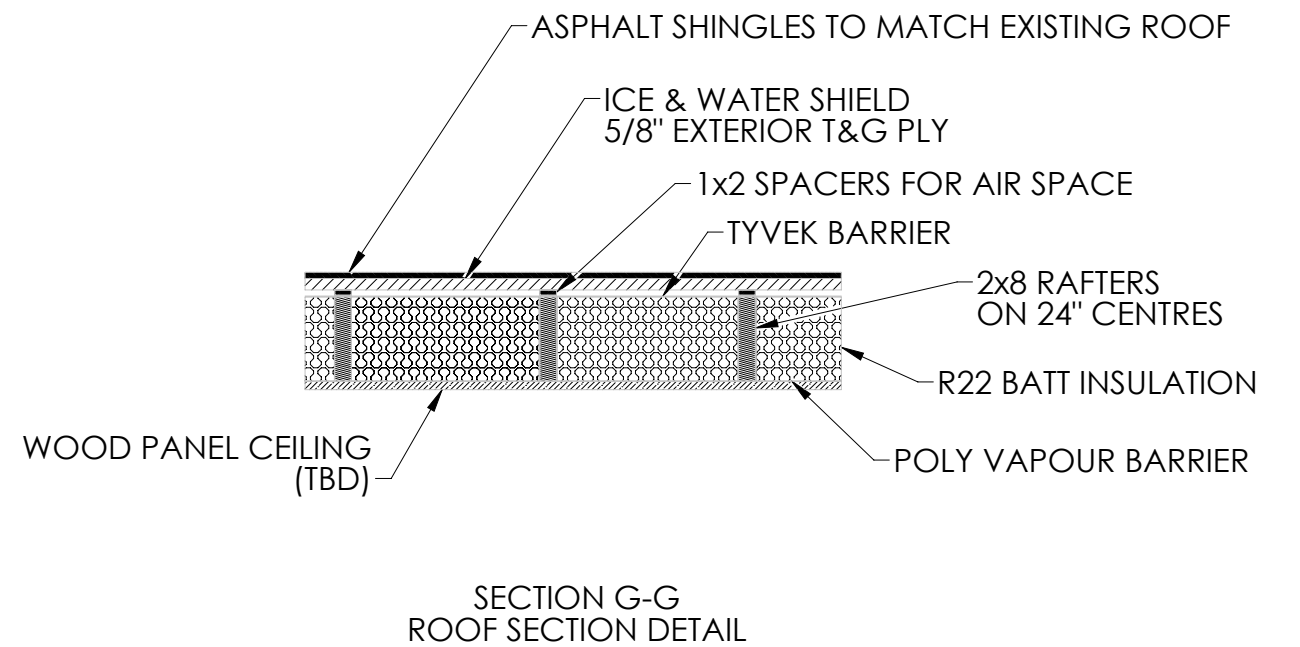
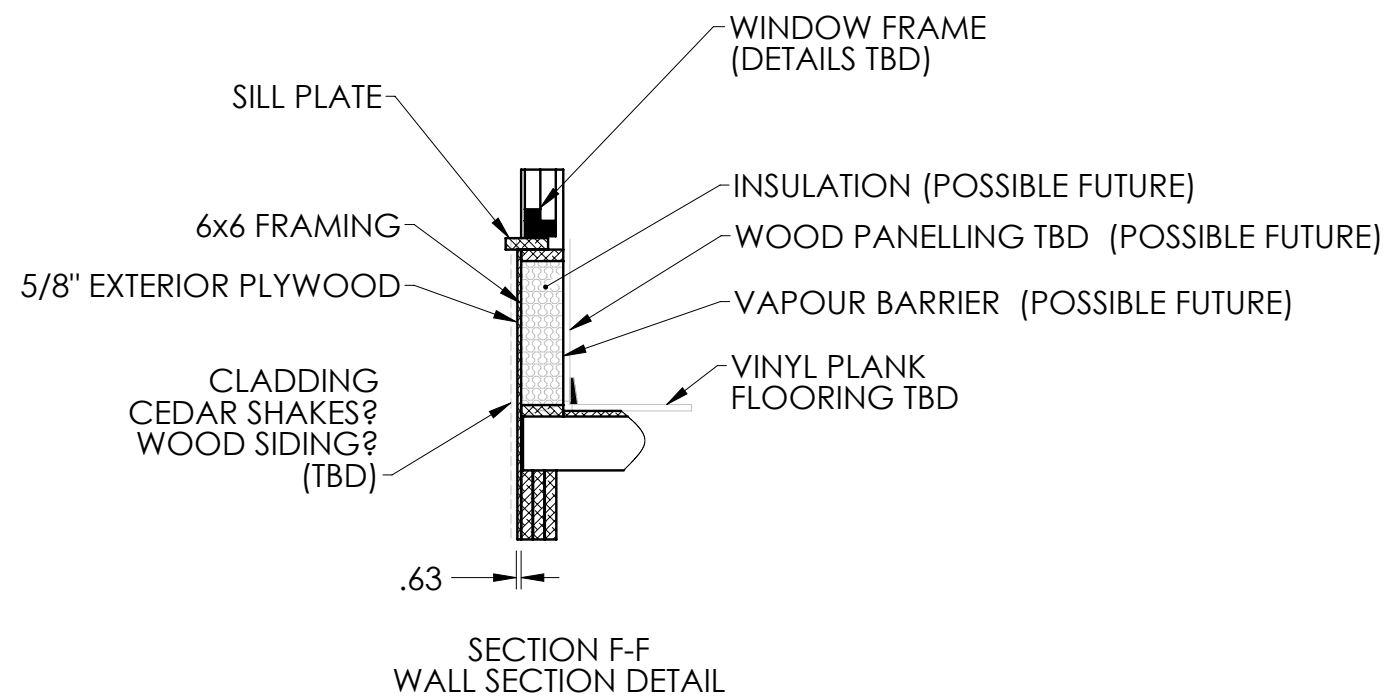
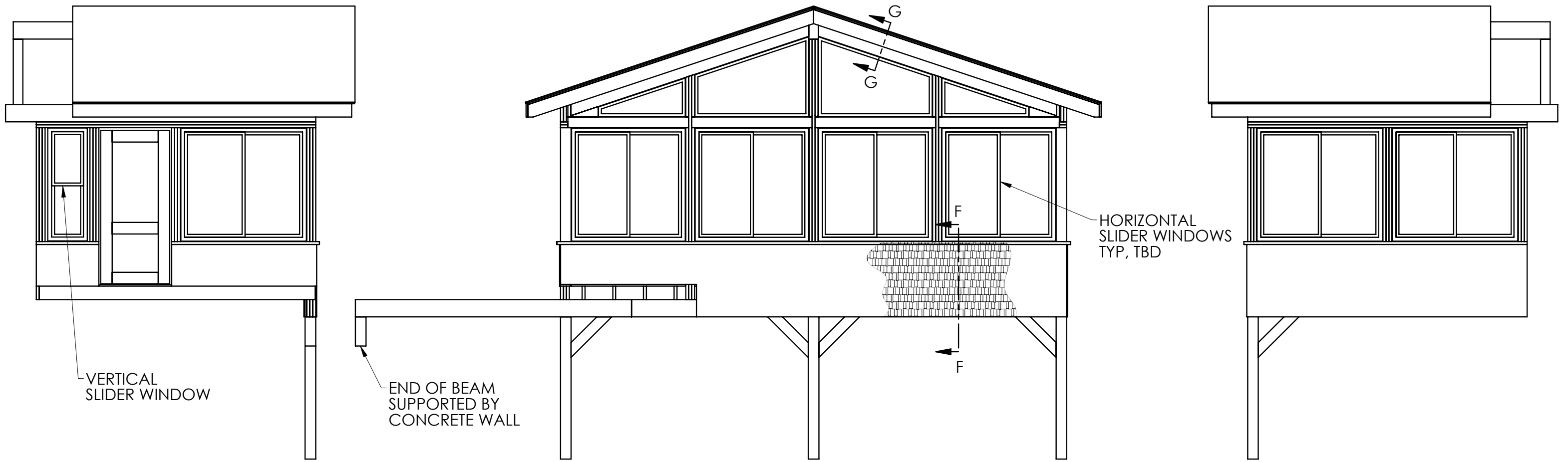


SUNROOM FLOOR FRAMING

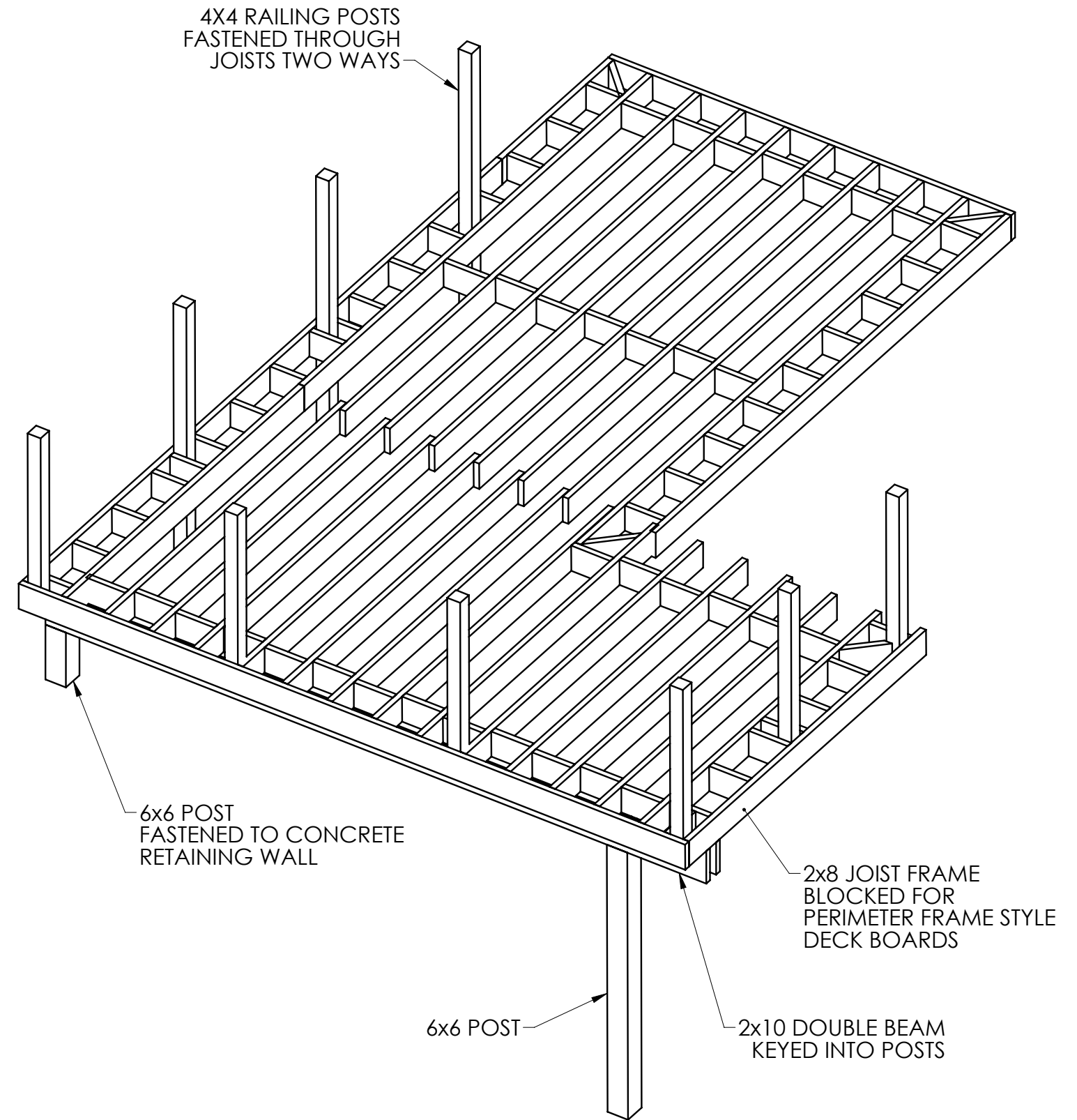
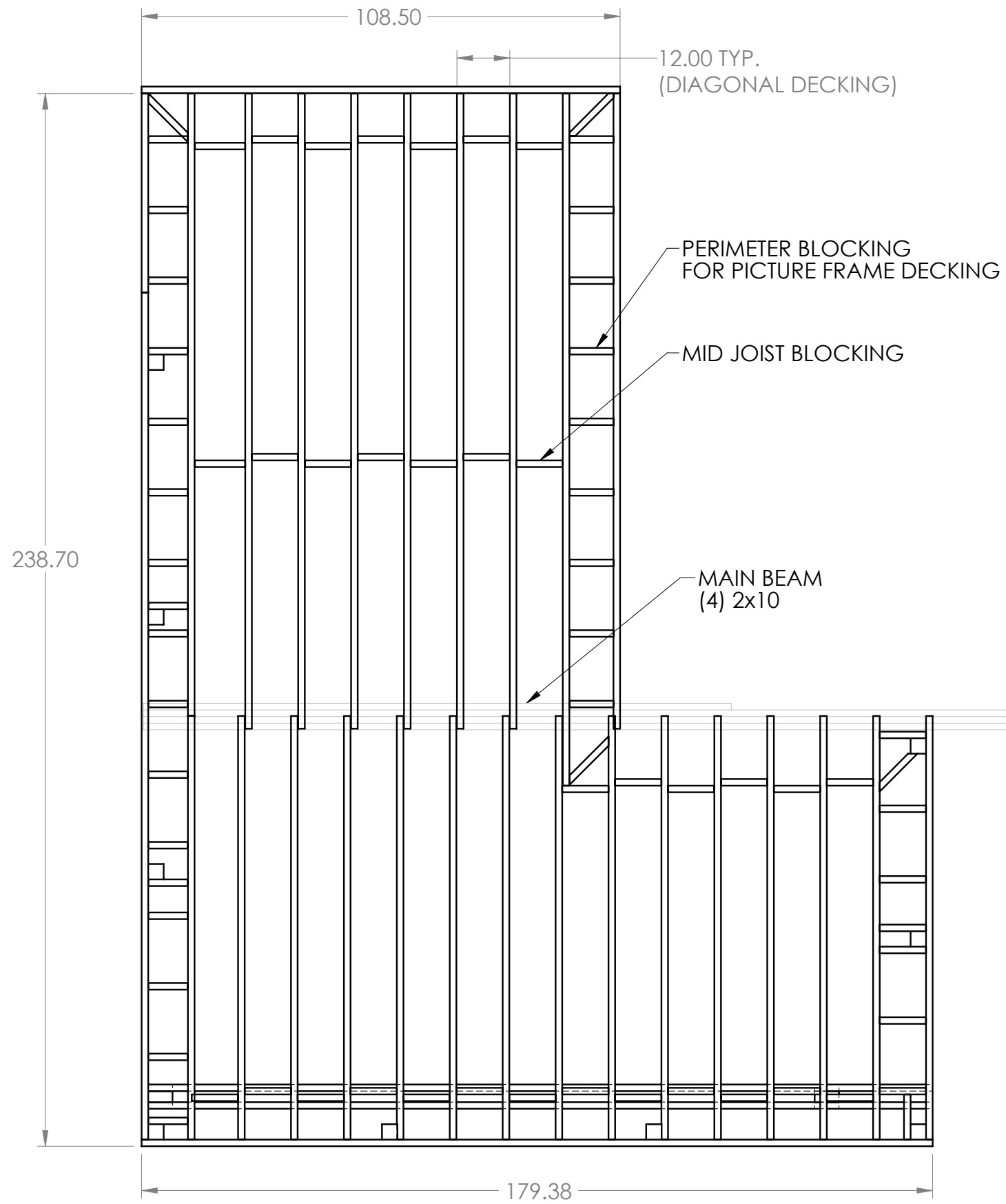


THIS BEAM SUPPORTS
DECK JOISTS ALSO

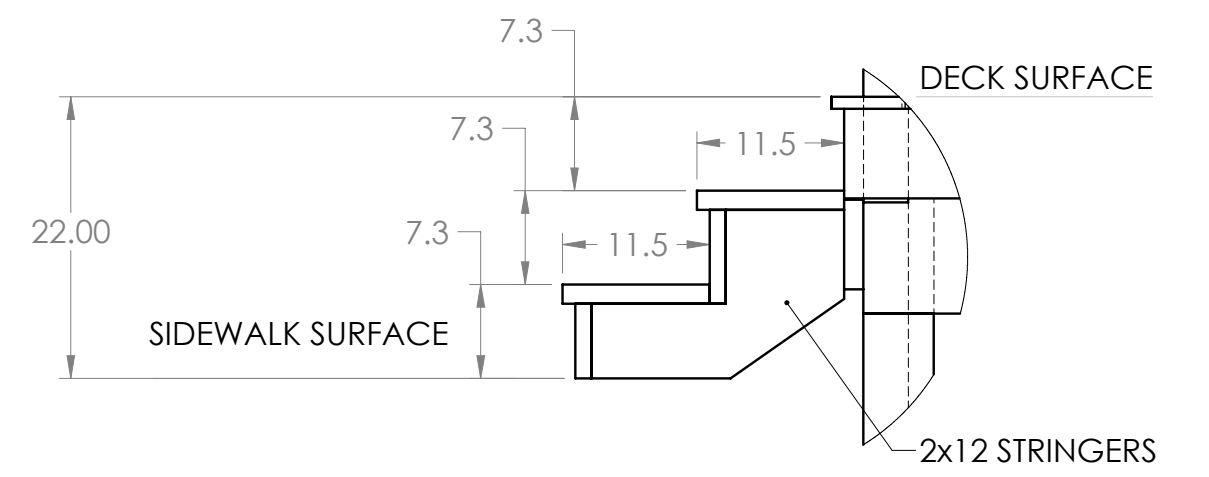
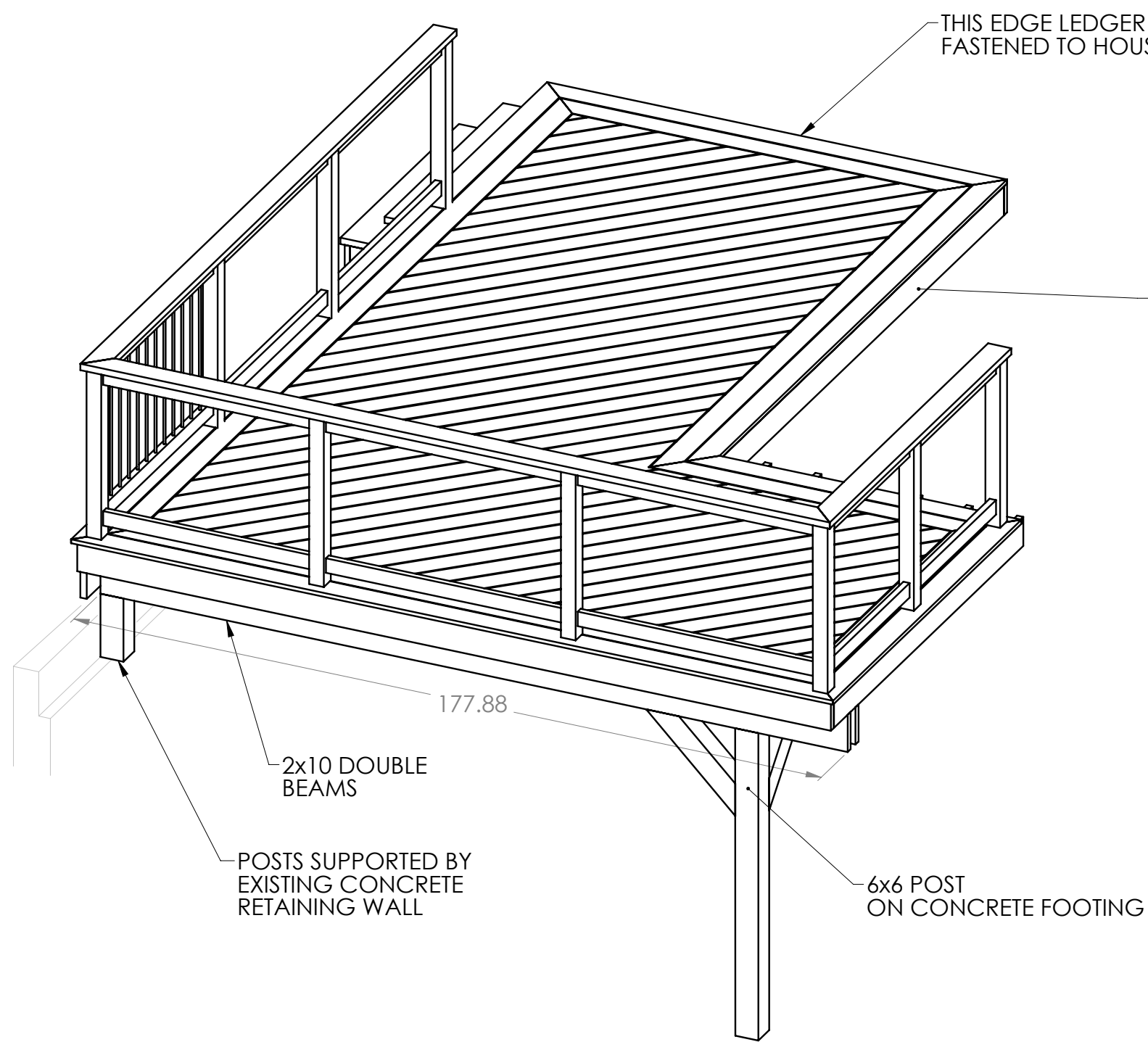
SUNROOM FRAMING ISO



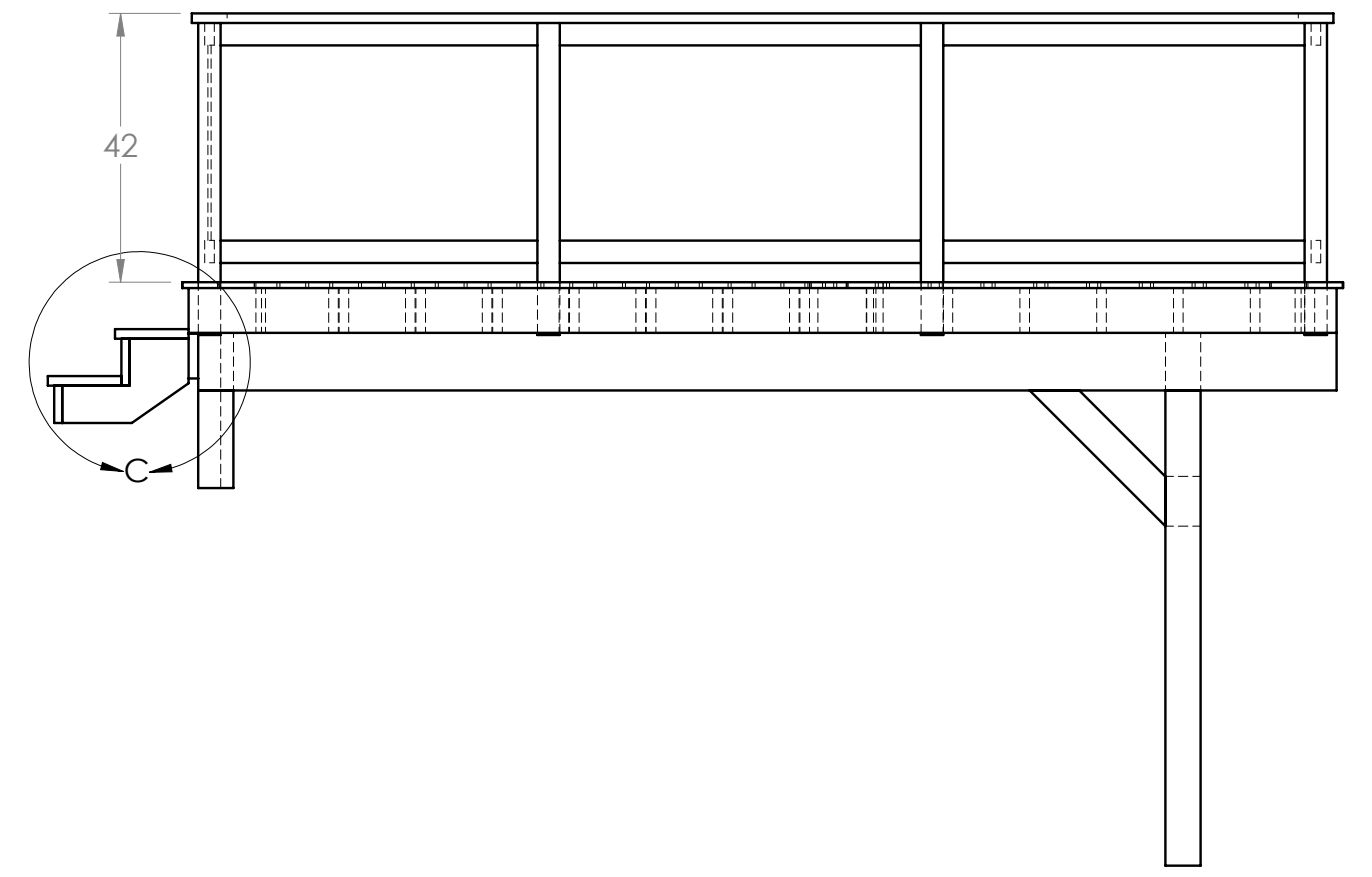
SUNROOM WALL & ROOF DETAILS



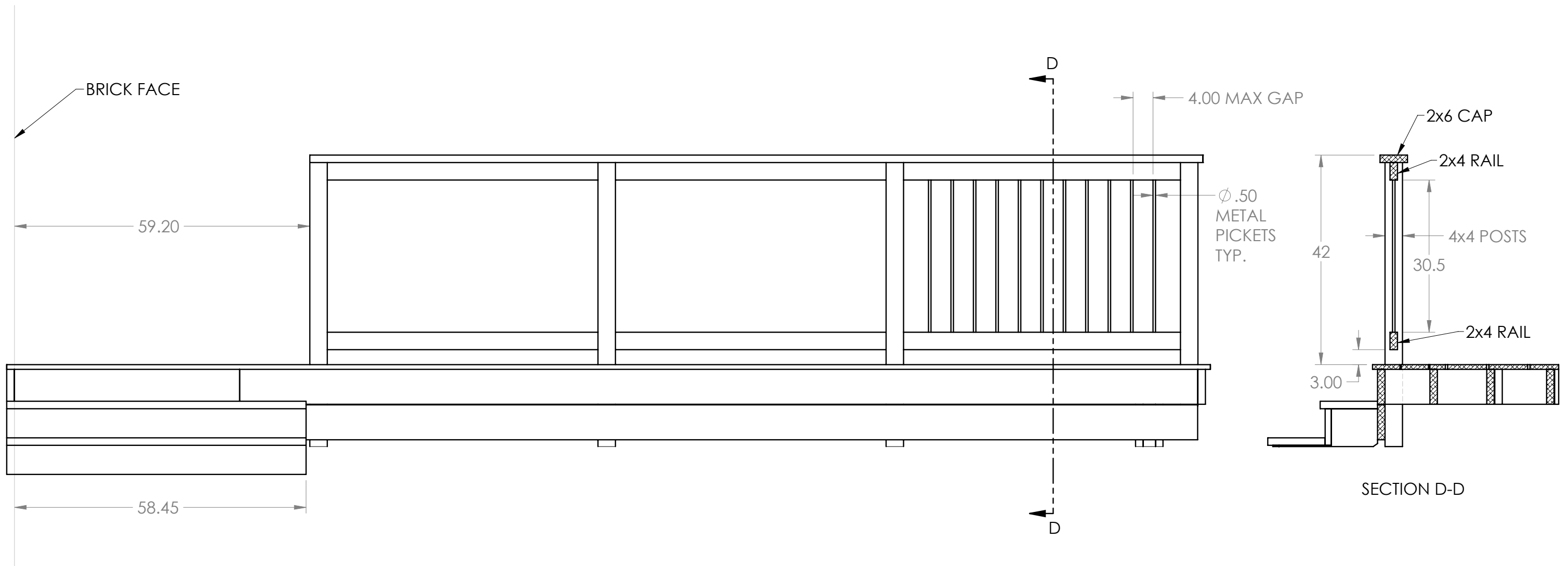
DECK JOIST FRAMING PLAN



DETAIL C
SCALE 1 : 15



DECK BOARD & RAILING



DECK RAILING DETAIL

Hillary Miller

From: Andrew Hartholt
Sent: Friday, March 24, 2023 10:16 AM
To: Hillary Miller
Subject: RE: Minor Variance Notice of Public Hearing - D13/BUR - 4390 Wellington Rd 32

Hillary,

A full technical building code review will be completed during the building permit review process. As proposed, the Building Department has no concerns with the D13/BUR minor variance application for the deck addition with a roof.



Andrew Hartholt, CBCO/CRBO
Chief Building Official
Township of Puslinch
7404 Wellington Rd. 34, Puslinch, ON N0B 2J0
P: 519-763-1226 ext. 229/Fax: 519-763-5846 www.puslinch.ca

My work hours may not match yours, and I do not expect you to respond outside your working hours

From: Hillary Miller <hmill@puslinch.ca>
Sent: Wednesday, March 22, 2023 4:27 PM
To: Jacob Normore <jnormore@puslinch.ca>; Andrew Hartholt <ahartholt@puslinch.ca>; Brent Smith <bsmith@puslinch.ca>; Mike Fowler <mfowler@puslinch.ca>; Services <services@puslinch.ca>
Subject: Minor Variance Notice of Public Hearing - D13/BUR - 4390 Wellington Rd 32

Good afternoon,

Attached please find the Notice of Public Hearing with respect to the above property for your review and comment. Please provide any comments you might have by March 31, 2023.

Kind regards,



Hillary Miller
Legislative Assistant
Township of Puslinch
7404 Wellington Rd. 34, Puslinch, ON N0B 2J0
P: 519-763-1226 x207/Fax: 519-763-5846 www.puslinch.ca

Hillary Miller

From: Brent Smith
Sent: Friday, March 24, 2023 1:08 PM
To: Hillary Miller
Cc: Tom Mulvey
Subject: RE: Minor Variance Notice of Public Hearing - D13/BUR - 4390 Wellington Rd 32

Hi Hillary,
Puslinch Fire and Rescue Services reviewed the above referenced minor variance proposal for 4390 Wellington Road 32 on March 24, 2023 and the department has no concerns.

Thanks

Brent Smith

CFPO

Puslinch Fire and Rescue Services

From: Hillary Miller <hmiller@puslinch.ca>
Sent: Wednesday, March 22, 2023 4:27 PM
To: Jacob Normore <jnormore@puslinch.ca>; Andrew Hartholt <ahartholt@puslinch.ca>; Brent Smith <bsmith@puslinch.ca>; Mike Fowler <mfowler@puslinch.ca>; Services <services@puslinch.ca>
Subject: Minor Variance Notice of Public Hearing - D13/BUR - 4390 Wellington Rd 32

Good afternoon,

Attached please find the Notice of Public Hearing with respect to the above property for your review and comment. Please provide any comments you might have by March 31, 2023.

Kind regards,



Hillary Miller
Legislative Assistant
Township of Puslinch
7404 Wellington Rd. 34, Puslinch, ON N0B 2J0
P: 519-763-1226 x207/Fax: 519-763-5846 www.puslinch.ca

Hillary Miller

From: Source Water <sourcewater@centrewellington.ca>
Sent: Tuesday, March 28, 2023 11:51 AM
To: Hillary Miller
Cc: Source Water
Subject: RE: Minor Variance Notice of Public Hearing - D13/BUR - 4390 Wellington Rd 32
Attachments: WHPA_Map_Wellington32_4390.pdf

Hi Hillary,

Thank you for providing the above referenced application for review. Since this property is located in a vulnerable area (wellhead protection area, issues contributing area, intake protection zone etc.), but the activity(ies), as indicated, would not create a significant drinking water threat, the application can be screened out and it does not require a Section 59 notice under the *Clean Water Act*.

I have attached a map showing the property and Wellhead Protection Areas for your reference.

If you have any further questions regarding this application, or in the event of any technical problem with the email or attachments, please contact me.

Kind regards,
Danielle

Danielle Walker (she/ her) | Source Protection Coordinator

Wellington Source Water Protection | 1 MacDonald Square, Elora, ON, N0B 1S0
519.846.9691 x236 | DWalker@centrewellington.ca | www.wellingtonwater.ca
Toll free: 1-844-383-9800

Wellington Source Water Protection is a municipal partnership between the Townships of Centre Wellington, Guelph / Eramosa, Mapleton, Puslinch, Wellington North, the Towns of Erin and Minto and the County of Wellington created to protect existing and future sources of drinking water.

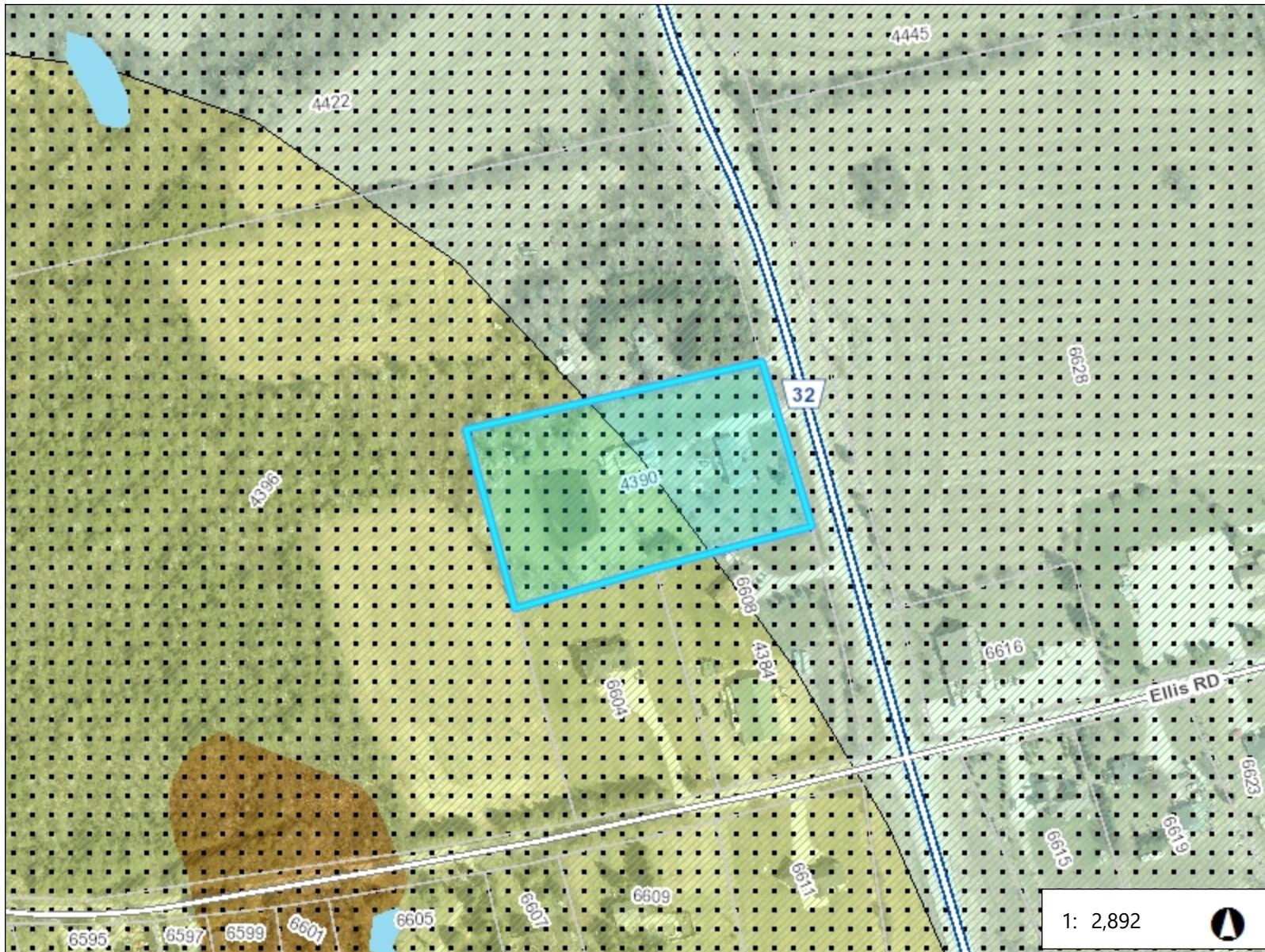
From: Hillary Miller <hmiller@puslinch.ca>
Sent: March 22, 2023 4:25 PM
To: Source Water <sourcewater@centrewellington.ca>
Subject: Minor Variance Notice of Public Hearing - D13/BUR - 4390 Wellington Rd 32

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Attached please find the Notice of Public Hearing with respect to the above property for your review and comment. Please provide any comments you might have by March 31, 2023.

Kind regards,



Legend

- Parcels
- Roads**
 - Local Road
 - County Road
 - Highway
- Conservation Authority Boundaries
- Waterbodies
- Well Locations**
 - Existing
 - Proposed
- Issue Contributing Area**
 - Chloride
 - Nitrate
 - Sodium
 - TCE
- Wellhead Protection Area**
 - A
 - B
 - C
 - D
- Vulnerability Score**
 - 10
 - 8, D; 8; 8, C
 - 2, 4, 6 (A, B or C)
 - 2,4,6, D; 2,4, D; 2, 4, 6 (D); 4, D; 6,
- HVA

1: 2,892

0.1 0 0.07 0.1 Kilometers

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Produced using information under License with the Grand River Conservation Authority. Copyright © Grand River Conservation Authority, 2022.

THIS IS NOT SURVEY DATA. Parcels - Teranet 2002, Wellington County 2022

Notes



March 30, 2023

via email

GRCA File: D13-BUR – 4390 Wellington Road 32

Lynne Banks
Township of Puslinch
7404 Wellington Road 34
Puslinch, ON N0B 2J0

Dear Ms. Banks,

Re: Minor Variance Application D13/BUR
4390 Wellington Road 32, Township of Puslinch
James and Melissa Burmaster

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted minor variance application.

Recommendation

The Grand River Conservation Authority (GRCA) has no objection to the proposed minor variance application.

GRCA Comments

GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a regulatory authority under Ontario Regulation 150/06, and as a public body under the *Planning Act* as per our CA Board approved policies.

Information currently available at this office indicates that the subject property contains floodplain, wetland, and the regulated allowance adjacent to these features. A copy of our resource mapping is attached.

Due to the presence of the above-noted features, the entire property is regulated by the GRCA under Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

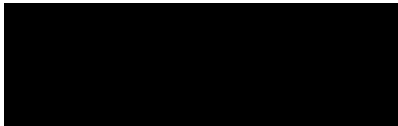
The proposed minor variance application requests permission to allow an addition to the dwelling within the Natural Environment Zone. GRCA recently issued Permit 38/23 for the proposed sunroom addition and the plans circulated with this application are consistent with the plans approved through this permit. GRCA staff do not anticipate any impacts to the natural hazard features as a result of the proposed development and we have no objection to the approval of the minor variance application.

Consistent with GRCA's 2023 approved fee schedule, this application is considered a 'minor' minor variance and the applicant will be invoiced in the amount of \$300.00 for the GRCA's review of this application.

For Municipal Consideration

Please be advised that on January 1, 2023, a new Minister's regulation (Ontario Regulation 596/22: Prescribed Acts – Subsections 21.1.1 (1.1) and 21.1.2 (1.1) of the Conservation Authorities Act) came into effect. As a result, non-mandatory technical review services that the GRCA formerly provided under agreement with some municipalities (e.g., technical reviews related to natural heritage and select aspects of stormwater management) will no longer be provided.

Should you have any questions, please contact me at 519-621-2763 ext. 2228 or aherreman@grandriver.ca.



Resource Planning Technician
Grand River Conservation Authority

Enclosed: GRCA Mapping

Copy: James and Melissa Burmaster (via email)



D13/BUR - 4390 Wellington
Road 32

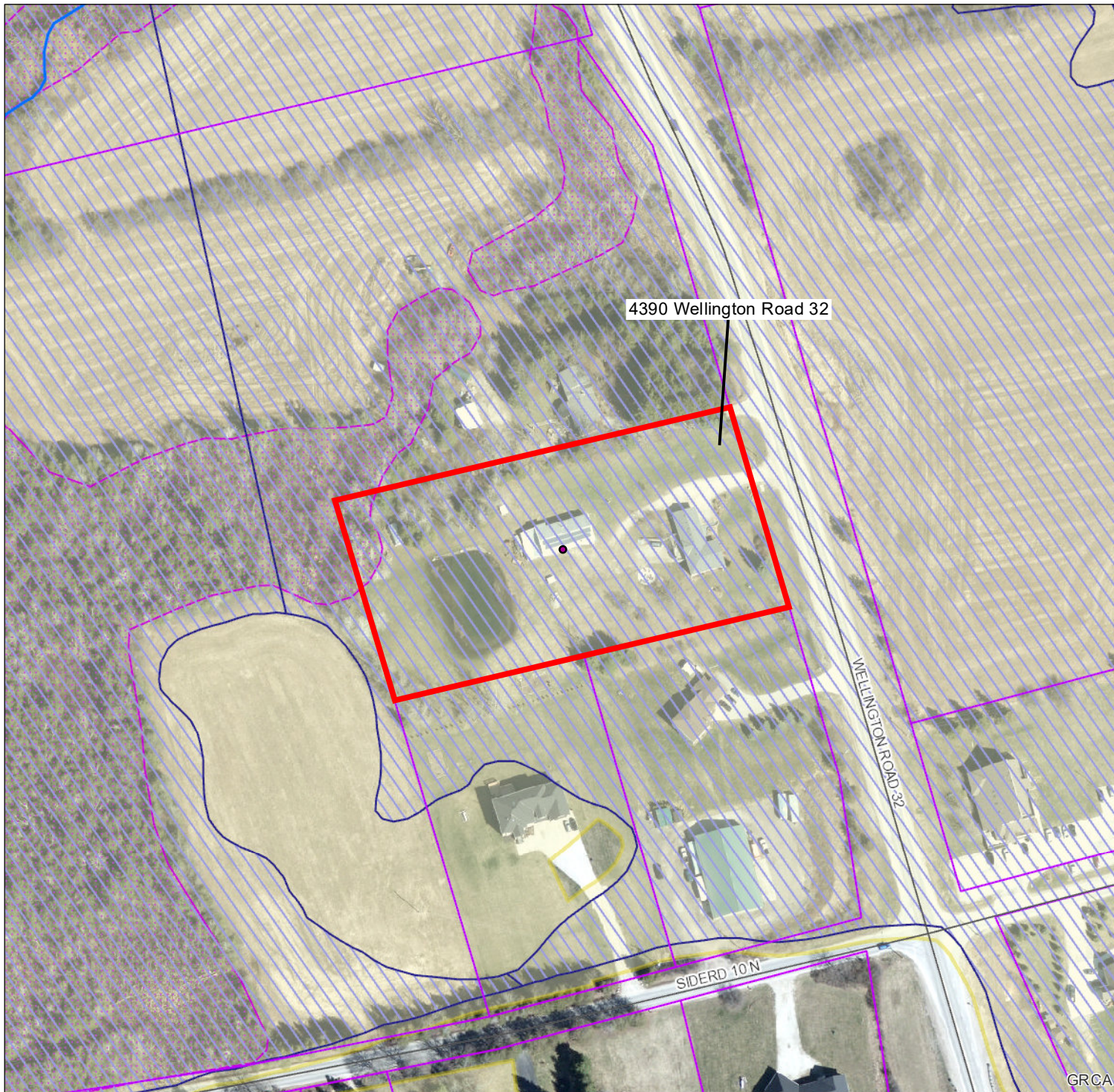
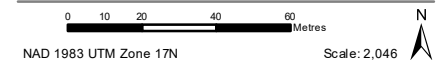


Legend

- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Floodplain (GRCA)
 - Engineered
 - Estimated
 - Approximate
 - Special Policy Area
- Slope Valley (GRCA)
 - Steep
 - Oversteep
 - Steep
- Slope Erosion (GRCA)
 - Oversteep
 - Toe
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)

This legend is static and may not fully reflect the layers shown on the map. The text of Ontario Regulation 150/06 supercedes the mapping as represented by these layers.

Copyright Grand River Conservation Authority, 2023.
Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.
The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to: <https://maps.grandriver.ca/Sources-and-Citations.pdf>





PLANNING REPORT for the TOWNSHIP OF PUSLINCH

Prepared by the County of Wellington Planning and Development Department
in our capacity as planning consultants for the Township

MEETING DATE: April 11th, 2023
TO: Lynne Banks, Development and Legislative Coordinator
Township of Puslinch
FROM: Joanna Salsberg, Planner
County of Wellington
SUBJECT: **MINOR VARIANCE APPLICATION D13/BUR (James and Melissa Burmaster)
4390 Wellington Rd 32,
Con 2 Front Pt Lot 5**
ATTACHMENTS: 1 – Submitted Site Plan

We have reviewed the application for minor variance and provide the following comments. These comments are offered without the benefit of a site visit.

Planning Opinion

The proposed minor variance would provide relief from Section 4.17.1. of the Zoning By-law to expand a legal non-conforming use. The applicants are proposing an addition of the existing dwelling to include a three-season sunroom and to replacement an existing deck.

Planning staff have no concerns with this proposal provided that the Conservation Authority (Grand River Conservation Authority) is satisfied and the provisions of the Overlay are met. It is our opinion that this variance is minor in nature and that it meets the intent of the Zoning By-law and County Official Plan and is desirable and appropriate. The following conditions should be considered:

- 1) That any concerns of the Conservation Authority are addressed to the satisfaction of the Township.

Background

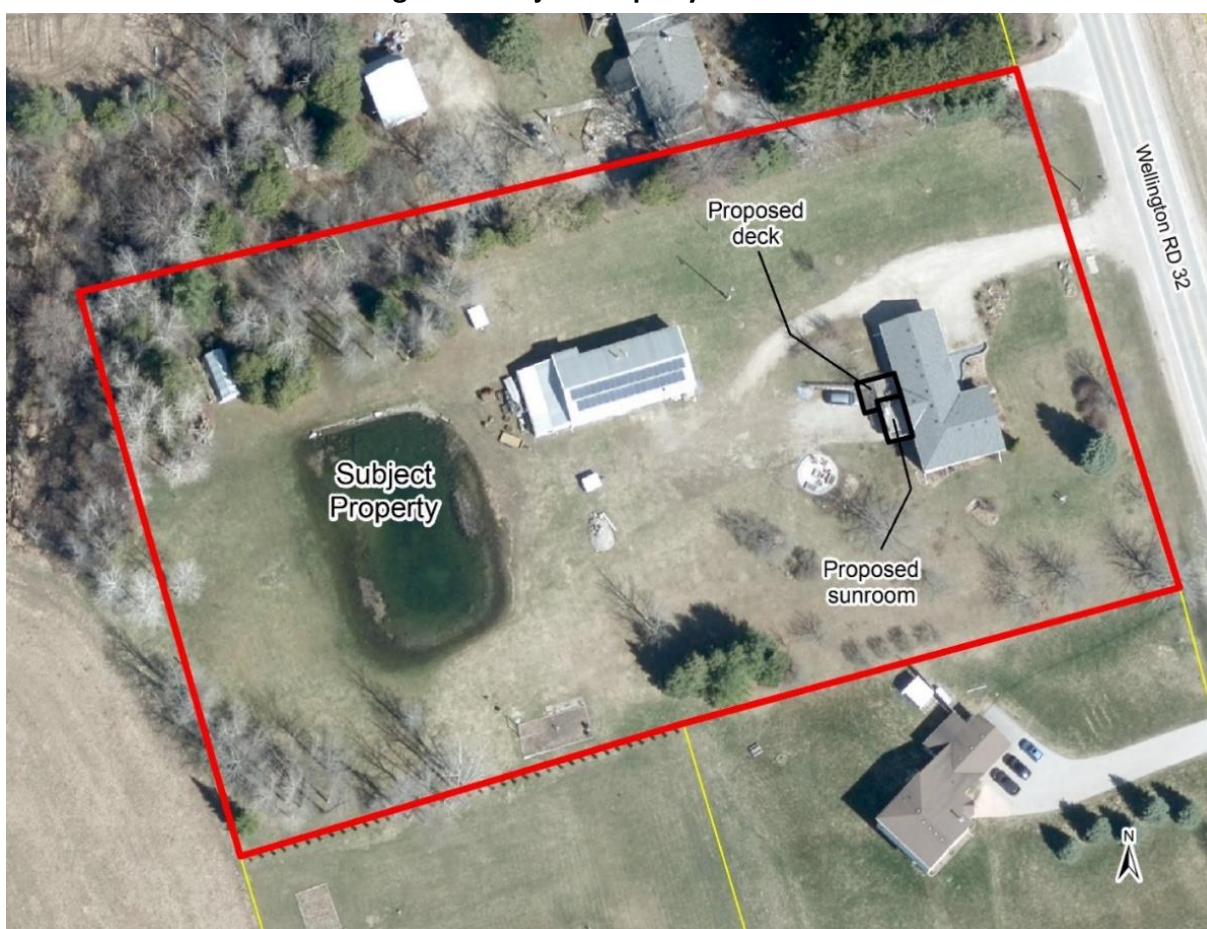
The requested minor variance application is to permit the expansion to a dwelling that is considered to be a legal non-conforming use as the dwelling has legally existed prior to the Zoning By-law coming into effect. The applicant is proposing the removal of the existing deck, and its replacement with an addition of a three-season sunroom and new altered/expanded deck. Township staff have provided that a permit for a dwelling was issued in 1985, and a permit for a deck permit was issued for the subject property in 1988.

It is noted that although section 12.4 provides restrictions to development within the Natural Environment (NE) Zone and does not contain zone standards relating to building height and setbacks, the dwelling on the property is considered to be a non-conforming use and section 4.17.1 is applicable regarding alterations to the use. Therefore, a variance for section 12.4 is not required for this request.

The applicant has provided that the existing deck has an area of approximately 34.1 m² (367 ft²), and the proposed replacement deck has an area of 21.0 m² (226 ft²) and the sunroom has an area of 24.5 m² (264 ft²).

Regulation	Required	Proposed
1. Section 4.17.1 Legal Non-Conformity and Legal Non-Compliance & Section 12.4 Natural Environment	Section 4.17.1 stipulates that proposed development comply with the zone standards as defined for each zone. The property is zoned Natural Environment (Section 12.4) and so zone standards relating to building height and setbacks do not exist.	Requesting relief of New Comprehensive Zoning By-law # 23-2018, as amended, from Section 12.4 and Section 4.17.1 to permit an addition of a deck with a roof on the existing home.

Figure 1: Subject Property



Our discussion of this application relative to the four tests under the Planning Act is as follows:

Four Tests	Discussion
That the requested variance is minor in nature	<ul style="list-style-type: none"> • The subject lands contain an existing dwelling, shop, and deck. • The purpose of the application is to expand a non-conforming use through the removal of an existing deck, and replacing it with an addition (i.e. a three-season sunroom and a new altered/extended deck), • The applicant has provided that the existing deck has an area of 34.1 m²,

	<p>and the proposed replacement deck has an area of approximately 21.0 m² and a sunroom of approximately 24.5 m² for a total expansion to the residential use of approximately 45.5 m². The addition is located generally in the same location as the existing deck and does not drastically reduced any of the existing setbacks.</p> <ul style="list-style-type: none"> • The Zoning By-law recognizes legal non-conforming uses and allows them to exist; however, expansions that increase the volume of the building, such as enclosing a deck and creating additional living space, triggers the needs for relief from the By-law.
<p>That the intent and purpose of the Zoning By-law is maintained</p>	<ul style="list-style-type: none"> • The subject lands are fully located within the Natural Environment (NE) Zone and are located within the Environmental Protection (EP) Zone Overlay. • A single detached dwelling would not be permitted in this zone, but the Zoning By-law does allow for legal non-conforming uses that were legally established to continue. • Township staff have indicated that a permit was issued for a deck on the subject property in 1988 and a permit for a dwelling was issued in 1985. These buildings and structures are considered non-conforming uses under the by-law. • The proposed expansion to the use does alter the footprint of the building in terms of livable space and a slight increase in area, however, the dwelling and deck will remain a considerable distance from the existing lot lines. • Section 4.17.1.b of the by-law directs that the by-law will not prevent the restoration, repair or renovation or the replacement of any lawfully constructed building or structure provided that modification will not increase the height, size, volume or change the use of the building or structure unless in compliance with the by-law. • Section 12.4 of the By-law provides restrictions to development within the NE Zone. It is noted the proposal is for an expansion to an existing non-conforming dwelling. A condition has been proposed that any concerns of the Conservation Authority are addressed. Any concerns from the Public Works department should be addressed. • The EP Overlay requires that within the regulated area of a Conservation Authority, the erection of a building or structure will not be permitted unless written approval from the Conservation Authority is obtained. Planning staff have proposed a condition for any concerns of the conservation authority to be addressed. A permit may be required.
<p>That the general intent and purpose of the Official Plan is maintained</p>	<ul style="list-style-type: none"> • The subject lands are designated as Greenlands System within the County of Wellington Official Plan. • Greenlands System features on the subject lands include flood plain, wetlands, Provincially Significant Wetlands, and significant woodlands. The location of the proposed expansion to the dwelling use is located within the flood plain. Comments from the GRCA and or a permit is required <ul style="list-style-type: none"> a) Section 13.8.3 of the Official Plan allows for legal non-conforming uses to be extended or a similar use subject to the criteria of

	Section 13.8.2., including: the need; land use compatibility; buffering; impacts to parking and traffic; servicing; and impacts to the natural environment and ground and surface water quality and quantity. Staff are generally satisfied, provided the Conservation Authority has no concerns, the application meets the intent of the Official Plan.
That the variance is desirable and appropriate development and use of the land, building or structure	<ul style="list-style-type: none"> • The subject lands are surrounded by agricultural uses and rural residential uses to the north, east, and west, as well as rural residential uses to the south. • Planning staff are satisfied that the minor variance is desirable, and appropriate for the development of the land provided any concerns of the GRCA, as well as the Building and Public Works Departments are addressed including any concerns related servicing, drainage, and municipal drains.

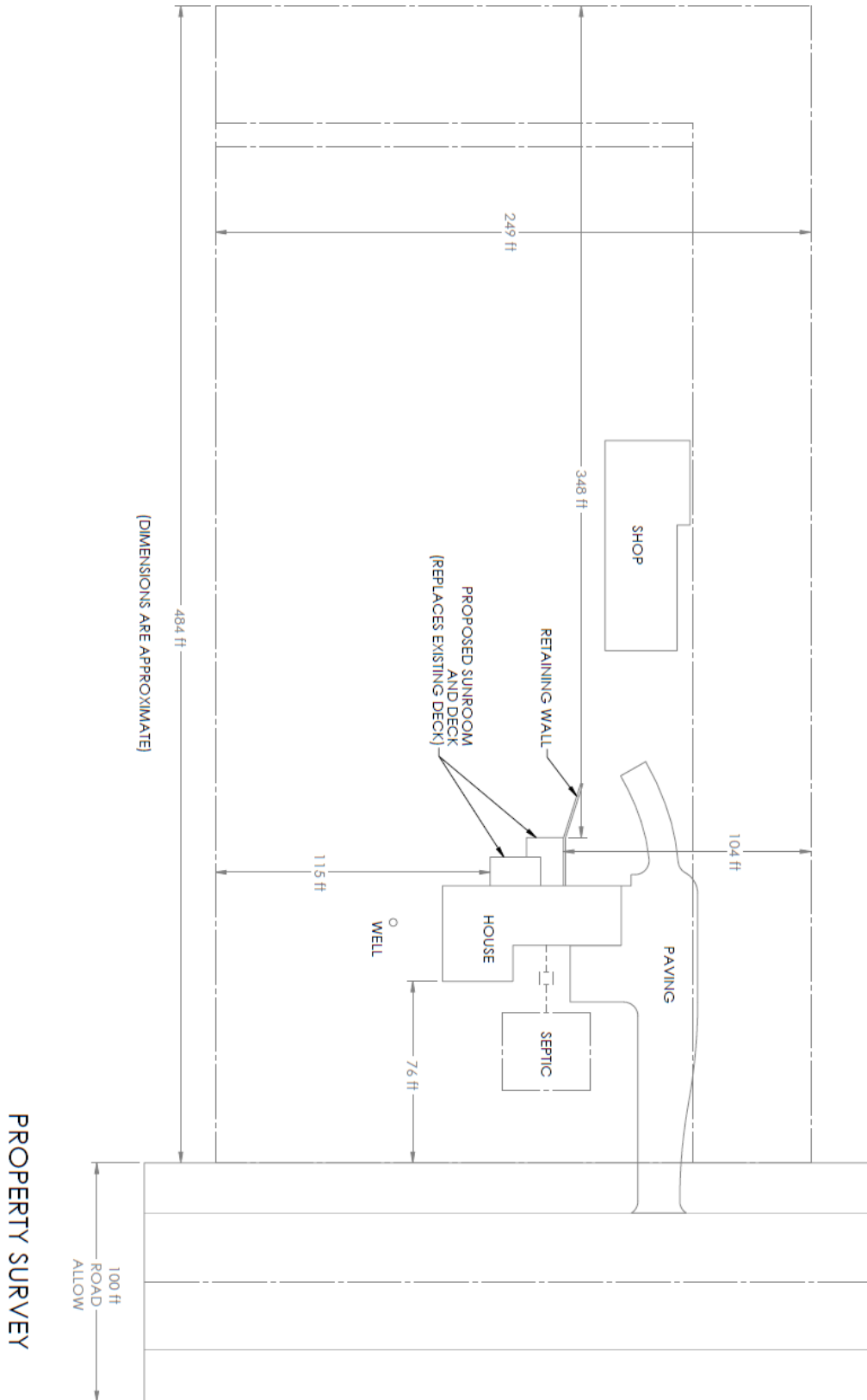
In conclusion, planning staff is of the opinion that the requested variance application meets **the four tests of the Planning Act** provided that any concerns of the Conservation Authority can be adequately addressed. We trust that these comments will be of assistance to the Committee in their consideration of this matter. We would appreciate a copy of the Committee’s decision with respect to this application.

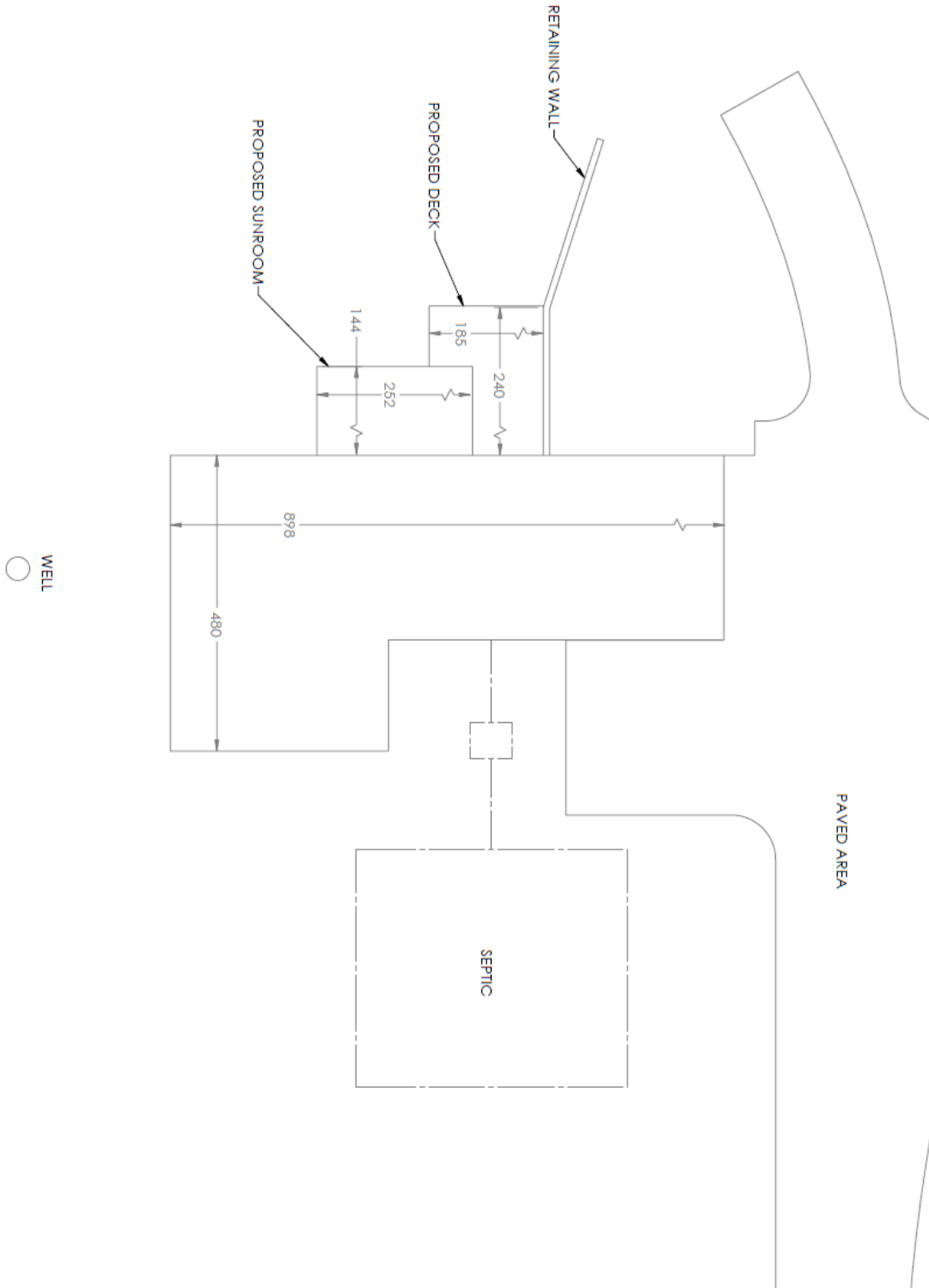
Respectfully submitted
County of Wellington Planning and Development Department



Joanna Salsberg, B.A., M.PL.
Planner, B.A., M.PL

ATTACHMENT 1: Submitted Site Plans







Township of Puslinch
7404 Wellington Road #34
Guelph, ON, N1H 6H9
T: (519) 763 – 1226
F: (519) 763 – 5846
www.puslinch.ca

Minor Variance or Permission Application

General Information:

1. Applicant Information:

Registered Owner's Name(s): Janine Frieda HOLMAN & Kenneth Ronald HOLMAN

Address: 4524 Concession 11, RR #1

City: Puslinch, ON

Postal Code: N0B 2J0

E-mail Address: [REDACTED]

Telephone Number: [REDACTED]

Fax: _____

Applicant (Agent) Name(s): Jeff Buisman of Van Harten Surveying Inc.

Address: 2106 Gordon Street

City: Guelph

Postal Code: N1L 1G6

E-mail Address: [REDACTED]

Telephone Number: [REDACTED]

Fax: [REDACTED]

Name, address, and phone number of all persons having any mortgages, charges, or encumbrances on the property.

None

Send correspondence to: Owner: Agent Other: _____

2. Provide a description of the "entire" property:

Municipal address: Concession Road 11 (PIN 71189-0114)

Concession: 10 Lot: 16

Registered Plan Number: Part 1, 61R-9311

Severed Area: 0.42ha ha Depth: 80m m Frontage: 57.7m m

Retained 1.9ha ac 301m ft 20.0m ft

Width of road allowance (if known): 20.12m

Reason for Application:

3. Please indicate the Section of the Planning Act under which this application is being made. Select one:

Section 45(1) relates to a change to a by-law standard (e.g. setbacks, frontage, height, etc.); or

Section 45(2) relates to a change to or expansion of an existing legal non-conforming use.

4. What is the nature and extent of the relief that is being applied for? (please specifically indicate on sketch).

The following variances are being requested:
A) To permit a reduced lot frontage of the Retained Parcel to be 20.0m instead of 25m as required in Table 11.3 of the Zoning By-law.
B) To permit the continued existence of two accessory structures on the Retained Parcel prior the erection of the principal building for a limited time (Section 4.4.2.a of the Zoning By-law).

Please see our covering letter for more details.

**5. Why is it not possible to comply with the provisions of the by-law?
(please specifically indicate on sketch).**

Minor variance requests are being made for the Retained Parcel of Severance Application B138-22. This application has been approved subject to conditions including the requirement of Zoning Compliance (Condition 7 & 8).

Please see covering letter for more information.

6. What is the current Official Plan and zoning status?

Official Plan Designation: Secondary Agricultural & Greenlands

Zoning Designation: Agricultural & Environmental Protection Overlay

7. What is the access to the subject property?

Provincial Highway:

Continually maintained municipal road:

Seasonally maintained municipal road:

Other: (please specify below)

8. What is the name of the road or street that provides access to the subject property?

Concession Road 11

9. If access is by water only, please describe the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land to the nearest public road.

N/A

Existing and Proposed Service:

10. Indicate the applicable water supply and sewage disposal:
None

Water Supply/Sewage Disposal:	Existing:	Proposed:
Municipal Water:	<input type="checkbox"/>	<input type="checkbox"/>
Communal Water:	<input type="checkbox"/>	<input type="checkbox"/>
Private Well:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Water Supply:	<input type="checkbox"/>	<input type="checkbox"/>
Municipal Sewers:	<input type="checkbox"/>	<input type="checkbox"/>
Communal Sewers:	<input type="checkbox"/>	<input type="checkbox"/>
Private Septic:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Sewage Disposal:	<input type="checkbox"/>	<input type="checkbox"/>

11. How is storm drainage provided?

Storm Sewers:

Ditches:

Swales:

Other means: (explain below)

Existing Subject and Abutting Property Land Uses, Buildings and their Locations:

12. What is the existing use of:

The subject property? Rural Residential

The abutting properties? Rural Residential / Agricultural

13. Provide the following details for all buildings on or proposed for the subject land: (please use a separate page if necessary)

Building Details:	Existing:		Proposed:	
Type of Building(s)/ structures	Shed and Container			
Main Building height	m	ft.	m	ft.
*Percentage lot coverage	m	ft.	m	ft.
*Number of parking spaces				
*Number of loading spaces				
Number of floors				
Total floor area	m ²	ft ²	m ²	ft ²
Ground floor area (exclude basement)	9m2 & 5m2 m ²	ft ²	m ²	ft ²

14. What is the location of all buildings existing and proposed for the subject property? (specify distances from front, rear and side lot lines)

N/A

Building Details:	Existing:		Proposed:	
Front Yard	m	ft.	m	ft.
Rear Yard	m	ft.	m	ft.
Side Yards	m	ft.	m	ft.

15. What are the dates of acquisition and construction of subject property and building property?

Date of acquisition of subject property: March 2016

Date of construction of buildings property: Vacant Parcel

16. How long have the existing uses continued on the subject property? Many years

17. Has the owner previously applied for relief in respect of the subject property?

Yes No

If the answer is yes, please indicate the file number and describe briefly:

N/A

Other Related Planning Applications:

18. Has an application for any of the following on the subject lands?

Planning Application:	Yes:	No:	File Number:	Approval Authority:	Subject Lands	Purpose:	Status:
Official Plan Amendment	<input type="checkbox"/>	<input type="checkbox"/>					
Zoning By-Law Amendment	<input type="checkbox"/>	<input type="checkbox"/>					
Plan of Subdivision	<input type="checkbox"/>	<input type="checkbox"/>					
Consent (Severance)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	B138-22	County of Wellington	Lot 16, Con 10	Severance	Approved Subject to Conditions
Site Plan	<input type="checkbox"/>	<input type="checkbox"/>					
Minor Variance	<input type="checkbox"/>	<input type="checkbox"/>					

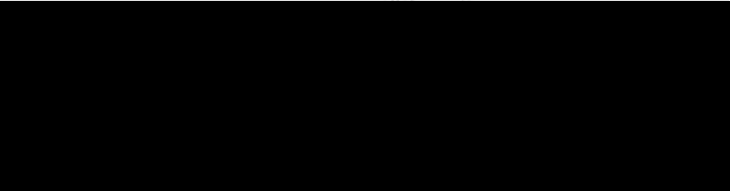
Authorization for Agent/Solicitor to act for Owner:

(If affidavit is signed by an Agent/Solicitor on Owner's behalf, the Owner's written authorization below shall be completed)

I (we) Janine Frieda HOLMAN & Kenneth Ronald HOLMAN of the
Township of Puslinch County/Region of

Wellington do hereby authorize

Jeff Buisman of Van Harten Surveying Inc. to act as my agent in this application.



Signature of Owner(s)

27 Jan 2023
Date

JAN. 28 / 2023
Date

Affidavit:

I (we) Jeff Buisman of Van Harten Surveying Inc. of the
City of Guelph County/Region of

Wellington solemnly declare that all the statements

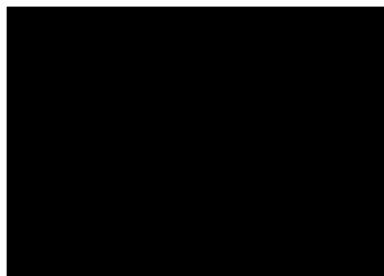
contained in this application are true, and I, (we), make this solemn declaration
conscientiously believing it to be true, and knowing that it is of the same force and effect
as if made under oath and by virtue of the CANADA EVIDENCE ACT. DECLARED

before me at the City of Guelph in the

County/Region of Wellington this 9 day of

March, 20 23.

Signature of Owner or authorized
solicitor or agent



March 9, 2023



her

James Michael Laws,
a Commissioner, etc.,
Province of Ontario,
for Van Harten Surveying Inc.
Expires May 11, 2024

March 9, 2023
Date



March 9, 2023

31242-22

Jeff.Buisman@vanharten.com

Township of Puslinch
7404 Wellington Road 34
Puslinch, Ontario
N0B 2J0

Attention: Lynne Banks

Dear Ms. Banks:

**Re: Minor Variance Application & Sketch for Severance B138-22
Concession Road 11
Part of Lot 16, Concession 10
Part 1, 61R-9311
PIN 71189-0114
Township of Puslinch**

Please find enclosed an application for a minor variance on the above-mentioned property. Included with this submission are copies of the minor variance sketch, completed application form, required deed, PIN report and map, Soucewater Protection Form, and a cheque in the amount of \$1,365.00 to the Township of Puslinch.

Proposal:

Two minor variance requests are being made for the Retained Parcel of the Severance Application B138-22 that has been approved subject to conditions at the January 2023 Land Division Committee Meeting. These variances are required to satisfy Conditions 7 & 8 of the approved application. The Minor Variance request are as follows:

- A. To permit a reduced lot frontage of the Retained Parcel to be 20.0m instead of 25m as required in Table 11.3 of the Zoning By-law.**
- B. To permit the continued existence of two accessory structures on the Retained Parcel prior to the erection of the principal building for a limited time (Section 4.4.2.a of the Zoning By-law).**
 - a. This entails an Agreement between the property owner and Township to have a new dwelling built within the specified timeframe; and**
 - b. \$5,000.00 deposit – which is non-refundable if the dwelling is not built in accordance with the Agreement.**

The severance is creating a new rural residential parcel along Concession Road 11 with a frontage of 57.7m, depth of 80m, for an area of 0.42ha where a dwelling is proposed. The severed parcel meets the lot frontage and area requirements, and the zoning requirements are met for this parcel. There is an existing entrance on the severed parcel; however, the entrance does not meet the safe entrance requirements. Therefore, a new entrance is proposed along the south end of the severed parcel.

The parcel has not been configured as a rectangle due to the site characteristics including safe entrance locations, trees and property dimensions. The proposed new limit along the front was selected to allow for a safe entrance for the severed and the retained parcels. The desire is, however, to also save the large maples on the south property line as well as the large Spruce Trees located between the proposed driveway and the south property line. The location of the Spruce Trees led to the severed lot becoming narrower as it goes further back.

The Retained Parcel currently contains two small structures that are used to store gardening / lawn care equipment.

The 20 to 29m wide strip in the front is wide enough to accommodate the proposed driveway as well as keep the Spruce trees. The Retained Parcel will have an area of 1.9±ha. A new house is proposed in an open area that is outside the Environmental Protection Overlay and more than 50m from the wetland.

The frontage is under the zoning requirements at 20.0m instead of 25m; however, we consider this minor in nature and it will not have a negative impact on neighbouring properties and safe access is possible within the 20m frontage.

The two small accessory structures include a shed of 5m² and a container of 9m². The intention is to keep these structures on the Retained Parcel and a variance is required to permit them for a specified timeframe until a principal dwelling is built. We understand that the following conditions need to be met for this minor variance request:

- A signed Agreement between the property owner and Township that a dwelling will be built within a specific timeframe; and
- A deposit of \$5,000.00 to ensure a dwelling is constructed within a certain timeframe or else the Township will not return the deposit.

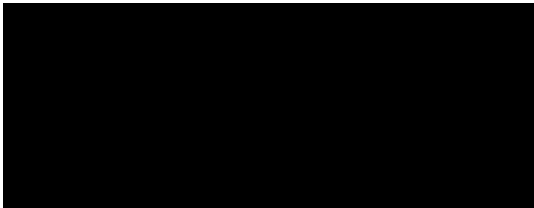
The owners, Ken and Janine Holman are aware of the circumstances and are eager to proceed with the next steps to have a new house built on the Retained Parcel.

We provide the opinion that the minor variance requests meet the four tests for a minor variance. There are no negative impacts to neighbours and the variance is only temporary until a dwelling is constructed. The minor variance requests will satisfy Conditions 7 and 8 of the approved application.



Please call me if you or the Planning Staff have any questions.

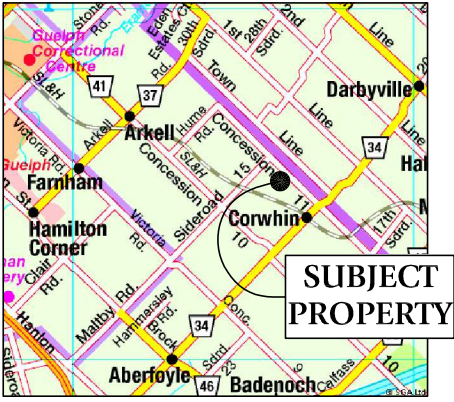
Very truly yours,
Van Harten Surveying Inc.



Jeffrey E. Buisman B.E.S, B.Sc.
Ontario Land Surveyor

cc Ken and Janine Holman

KEYMAP

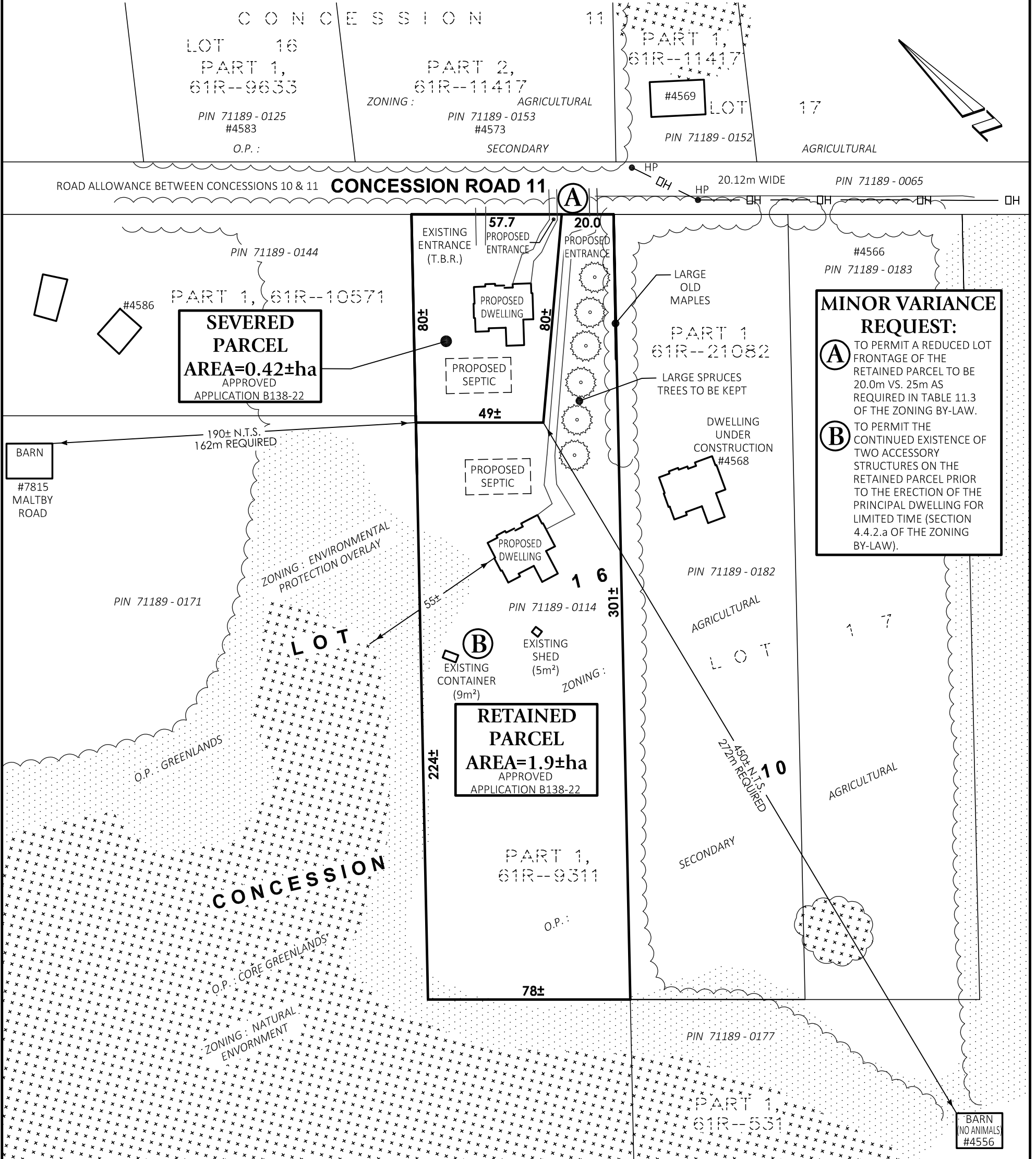


**MINOR VARIANCE SKETCH
PART OF LOT 16, CONCESSION 10
TOWNSHIP OF PUSLINCH
COUNTY OF WELLINGTON**

SCALE 1 : 1500
0 15 30 60 90 metres
VAN HARTEN SURVEYING INC.

NOTES:

1. THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.
2. SUBJECT LANDS ARE ZONED AGRICULTURAL & ENVIRONMENTAL PROTECTION OVERLAY.
3. SUBJECT LANDS HAVE AN OFFICIAL PLAN DESIGNATION OF SECONDARY AGRICULTURAL & GREENLANDS.
4. DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
5. DIMENSIONS ON THIS SKETCH ARE APPROXIMATE AND HAVE NOT BEEN VERIFIED BY SURVEY.
6. N.T.S. DENOTES NOT TO SCALE.
7. T.B.R. DENOTES TO BE REMOVED.
8. PROPERTY OWNERS: KEN & JANINE HOLMAN.



- O.P.: GREENLANDS
ZONING: ENVIRONMENTAL PROTECTION OVERLAY
- O.P.: CORE GREENLANDS
ZONING: NATURAL ENVIRONMENT

THIS SKETCH WAS PREPARED ON THE 9th DAY OF MARCH 2023

JEFFREY E. BUISMAN
ONTARIO LAND SURVEYOR



Van Harten
SURVEYING INC.
LAND SURVEYORS and ENGINEERS

Kitchener Ph: 519-742-8371	Guelph Ph: 519-821-2763	Orangeville Ph: 519-940-4110
www.vanharten.com		info@vanharten.com
DRAWN BY: ARN	CHECKED BY: JEB	PROJECT No. 31242-22
Mar 9, 2023-8:42:58 AM G:\PUSLINCH\Con10\Lot 16\ACAD\MV LOT 16 (HOLMAN) UTM.dwg		

Roll Number: _____

File Number: _____

Submission Date: _____

WHPA, IPZ, ICA: _____

Vulnerability Score: _____

Drinking Water Source Protection Screening Form

For assistance in completing this form, please refer to the “Explanatory Guide” beginning on page 5.

1. Property Information

Municipal Address of Subject Property: Concession Road 11, Puslinch (PIN 71189-0114)

Property Owner: Ken & Janine Holman

2. Proposal (Please check all that apply to this application):

	Building
<input type="checkbox"/>	New Structure
<input type="checkbox"/>	Expansion or Conversion of an Existing Structure
<input type="checkbox"/>	New or Replacement Septic System
<input type="checkbox"/>	New Well (Transport Pathway)
<input type="checkbox"/>	Geothermal System (Transport Pathway)
<input type="checkbox"/>	Change of Use

	Planning
<input checked="" type="checkbox"/>	Minor Variance
<input type="checkbox"/>	Official Plan Amendment
<input type="checkbox"/>	Consent Application
<input type="checkbox"/>	Zoning By-law Amendment Application
<input type="checkbox"/>	Subdivision/Condominium Application
<input type="checkbox"/>	Site Plan Application

Brief Description of the Proposed Use of Land, Proposed Buildings or Structures

A rural residential severance was recently approved and minor variances are required for the Retained Parcel. The Severed Parcel is vacant and a single detached dwelling is proposed. The Retained Parcel is also vacant and a single detached dwelling is proposed. A variance is required for the reduced frontage and to permit two small accessory buildings prior to the principal dwelling being built.

3. Potential Threat Activities Associated with the Application

Please check all applicable activities that may be associated with the development proposal:

3.1 Fuel Handling and Storage greater than 250 litres

- Liquid fuel (i.e. gasoline or diesel)
- Fuel oil (home heating)
- Waste oil (heating)

3.2 Chemical Handling and Storage

- Paints and other coatings (including stains, enamels, lacquers, rust paint)
- Dry cleaning chemicals
- Automotive repair/maintenance and/or industrial manufacturing and processing (e.g. degreasers, automotive fluids, oils, furniture stripping products, chemical solvents, adhesives)
- Solvent based degreasers or liquids for washing metal parts

If yes to any of the above, please indicate the type(s) of chemicals if known:

- 3.2.1 Dense Non-Aqueous Phase Liquids (DNAPLs), including chlorinated solvents
- 3.2.2 Organic Solvents

3.3 Road Salt Application and/or Outdoor Storage

- Road salt storage, outside > 5,000 tonnes
- Road salt application in a parking lot

3.4 Snow Storage (see guide)

3.5 Waste Storage or Disposal (see guide)

- 3.5.1 Storage of raw, untreated liquids and solids that are pumped out of septic systems and holding tanks (not including septic tanks)
- 3.5.2 Storage and/or disposal of oils; hazardous waste; liquid industrial waste; industrial and commercial waste; or PCB waste (does not include restaurant oil or grease)

3.6 Storm Water Management/Industrial Sewage

- Stormwater management facility (treatment, retention, infiltration or control of stormwater)

- Car or truck washing facility
- Oil and Water Separator
- Sediment control (ie Stormceptor)

3.7 Septic Systems

- Septic system for residential or small-scale commercial/industrial/institutional use **PROPOSED**
- Septic system (Greater than 10,000 litres per day) for commercial/industrial/institutional use (note an Environmental Compliance Approval would be required)

3.8 Agricultural / Commercial

- 3.8.1 Application, handling and storage of fertilizers and / or pesticides
- 3.8.2 Application, handling and storage of agricultural source material (i.e. manure)
- 3.8.3 Application, handling and storage of non-agricultural source material (e.g. biosolids, commercial food wastes, etc.)
- 3.8.4 Grazing and pasturing of livestock
- 3.8.5 Nutrient Management Plan or Strategy applies to property

3.9 Water Taking

- 3.9.1 Private well (existing or new) **PROPOSED**
- 3.9.2 Greater than 50,000 litres per day of water being used (note a Permit to Take Water would be required)
- 3.10 Recharge Reduction – creation of impervious surfaces (including large roofed areas, pavement) – only applies within Town of Erin**
- 3.11 Transport Pathway (see guidance includes wells, aggregate pits, geothermal systems)**
- None of the above are applicable**

4. Declaration (Owner or Applicant) or Person Engaged in Activity

Owner

I, _____, declare that the information contained in this application and all attached documentation is true to the best of my knowledge.

Date

Signature

Applicant or Authorized Agent

I, Jeff Buisman of Van Harten Surveying Inc., declare that the information contained in this application and all attached documentation is true to the best of my knowledge.

March 9, 2023
Date


Signature

Information is collected pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 and the *Clean Water Act*, 2006, S.O. 2006, c. 22 for the administration and enforcement of the *Clean Water Act*. Please note that business identity information is not considered personal information pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*.

For any inquiries about the collection of this information, please contact the Risk Management Official, Wellington Source Water Protection, 7444 Wellington Road 21, Elora, ON, N0B 1S0, 519-846-9691 ext. 362.

Explanatory Guide for Completing the Drinking Water Source Protection Screening Form

Your property is located within a municipal well head protection area or intake protection zone and therefore may be subject to the *Clean Water Act*, 2006. The Wellhead Protection Area (WHPA) is the area around a municipal well where land use activities have the potential to affect the quality and quantity of water that flows into the wellhead. For more information, refer to www.wellingtonwater.ca or contact 1-844-383-9800.

To assist staff in determining whether your property and/or application is subject to the Act, the Drinking Water Source Protection Screening Form is completed to inventory the activities that are proposed on your property. The following sections explain the form.

Section 1 – Property Information:

Please fill out the municipal address and property owner for the subject property.

Section 2 – Proposal:

Please check all that apply to the application and provide a brief explanation of the proposed development

Section 3 – Potential Threat Activities Associated with Proposed Application:

Within this section please check all that apply to your application.

3.1 Liquid Fuel Handling and Storage:

Check the box if on the property there is liquid fuel storage or handling greater than 250 litres (1 gal = 3.785 L). This can be located in land uses for residential, agricultural, gas, commercial, industrial or institutional purposes and includes gasoline, diesel or home heating oil. It does not include propane or natural gas.

3.2 Chemical Handling and Storage:

Check box if the application is regarding one of the listed chemical handling or storage activities on the form.

3.2.1 Known DNAPLs:

Check box only if applicant is aware of a Dense Non-Aqueous Phase Liquid (DNAPL) on the property. DNAPLs are chemicals that are denser than water and therefore have the ability to contaminate the groundwater easily. The specific DNAPLs that pose a potential threat are poly-aromatic hydrocarbons (PAHs), 1, 4-dioxane, trichloroethylene, tetrachloroethylene or perchloroethylene (PCE or PERC) and Vinyl Chloride.

- **Vinyl Chloride:** Used to make polyvinyl chloride (PVC) pipes, wire coatings, vehicle upholstery and plastic kitchen ware
- **PAHs:** Used in wood preservatives, pharmaceuticals, dyes and asphalt products.
- **1,4-dioxane:** Used as a degreasing solvent or solvent stabilizer in various manufacturing processes.
- **Tetrachloroethylene** (PCE or PERC): Used in dry cleaning, metal cleaning and as an intermediate in manufacturing processes.

- **Trichloroethylene (TCE):** Mainly used for degreasing of metal parts in the automotive and metal industries and also found in some household products such as adhesives, paint removers, paints, rug cleaning fluids, and metal cleaners.

3.2.2 Known Organic Solvents:

Check box if the applicant is aware of Organic Solvents on the property. Organic Solvents are liquid organic compounds with the ability to dissolve solid, gases or liquids and therefore have the ability to contaminate drinking water sources. Organic Solvents that are of potential concern include Carbon Tetrachloride, Chloroform, Dichloromethane and Pentachlorophenol (PCP).

- **Carbon Tetrachloride:** Once used widely in fire extinguishers, as a cleaning agent, in the manufacture of refrigerants as well as an industrial solvent and metal degreasing agent is a banned substance in Ontario since 1999. The only permitted uses of the chemical are in research laboratories or in the manufacturing process where the product is converted to an alternative product which does not contain a class of ozone-depleting substances.
- **Chloroform:** commonly used in a laboratory setting, and in the production of pharmaceuticals, dyes and pesticides.
- **Dichloromethane** (also known as methylene chloride): used as a solvent in paint strippers and removers. It is used as a process solvent in the manufacture of drugs, pharmaceuticals and film coatings. It is also used as a metal cleaning and finishing solvent in electronics manufacturing, aerosol propellant and as an agent in urethane foam blowing.
- **Pentachlorophenol (PCP):** used as an herbicide, insecticide, fungicide, algacide and disinfectant, and as an ingredient in antifouling paint. Its use has significantly declined due to its high toxicity. Today it is used industrially as a wood preservative and is not manufactured in Canada.

3.3 Road Salt Application, Handling and Storage:

Check the appropriate box if there will be outdoor, road salt storage greater than 5,000 tonnes or road salt application in a parking lot. Please note it is extremely unlikely that any application will have outside road salt storage greater than 5,000 tonnes.

Please check the appropriate box if salt will be applied to a parking lot.

3.4 Snow Storage:

Check box if there will be below grade (buried) snow storage on the property greater than 0.01 hectare (0.03 acre or 10 metres by 10 metres) or above grade snow storage of greater than 1 hectare (2.5 acres or 100 metres by 100 metres). For reference, 0.01 hectare is roughly a double driveway and 1 hectare is roughly two soccer fields.

3.5.1 Waste Storage or Disposal - Septic Tank Pump outs

Check box only if application is involved in the pumping out or disposal/treatment of raw sewage or septage, porta potties or holding tanks.

3.5.2 Waste Storage or Disposal - Storage and/or Disposal of Hazardous Waste:

Check box if there is hazardous waste or liquid industrial waste stored on the property including waste oil, solvents, and automotive fluids. Please note storage or disposal of oil does not include restaurant oil or grease. Storage of hazardous waste or liquid industrial waste includes wastes requiring registration with the Ontario Hazardous Waste Information Network (HWIN), if applicable. Disposal of

waste on site includes landfilling and incineration. Typically, this will only be at commercial or industrial properties.

3.6 Storm Water Management/Industrial Sewage:

Check box if one of the listed storm water management or industrial sewage activities is planned or present. For reference, a storm water management facility may include a retention or detention pond (wet or dry), catch basins, sediment control, swales and ditches.

3.7 Septic Systems:

Check box if the property will be serviced by a septic system.

3.8.1 Agricultural - Application, handling and storage of fertilizers and pesticides:

Check box if there is storage or use of fertilizer or pesticides for agricultural or commercial use. Do not check the box if used only for personal use.

3.8.2 Agricultural - Application, handling and storage of agricultural (i.e. manure) and/or 3.8.3 non-agricultural source material (bio solids):

Check corresponding box if there is application, handling or storage of Agricultural Source Material (ASM) (manure) or Non-Agricultural Source Material (NASM) on the property. ASM and NASMs include; manure (ASM) and biosolids, commercial food waste, etc. For more information on NASMs and ASMs please look at fact sheet number 4, available on our website, www.wellingtonwater.ca

3.8.4 Agricultural - Grazing and pasturing of livestock:

Check box if there is any grazing, pasturing or housing of one or more livestock on the property excluding household pets. Livestock can include cows, horses, sheep, goats and other animals. If unsure, please contact Wellington Source Water Protection for clarification.

3.9.1 Water Taking - Private well installed:

Check box if there is a well present or being installed on the property. This includes private drinking water wells, environmental test wells, geotechnical wells, irrigation wells etc.

3.9.2 Water Taking - Greater than 50,000 litres per day

Check box if more than 50,000 litres per day is being withdrawn from a well or a water body(1 gal = 3.785 gal).

3.10 Recharge Reduction:

Check box if there is going to be an increase in impervious surfaces on the property. For example, asphalt (driveways and parking areas) and covered areas (roofs, decks and structures). If building within current building envelope then it is not an increase. Please note this box only applies within the Town of Erin.

3.11 Transport Pathway

Transport pathways are human constructed pathways through soil and bedrock that may increase the vulnerability of groundwater to certain contaminants. Please check this box if your application will be installing a vertical geothermal system, installation of caissons or building piers for a non-residential application, aggregate project, installation of utilities or excavation within fractured bedrock or involves a drilling project (i.e. installation of private wells (dug or drilled), environmental or geotechnical test wells and/or boreholes). If the Water Taking – Private Well box was checked, please check the Transport Pathway box as well.

3.12 None Applicable:

Check if none of the above sections in Part 3 are applicable to the application.

Section 4 - Declaration:

Either the owner or the applicant must sign and date the form.

Properties

PIN 71189 – 0114 LT Interest/Estate Fee Simple
 Description PART LOT 16, CON 10, PUSLINCH, PT 1 61R9311; TOWNSHIP OF PUSLINCH
 Address PUSLINCH

Consideration

Consideration \$435,050.00

Transferor(s)

The transferor(s) hereby transfers the land to the transferee(s).

Name DIMOCK, HEDLEY G.
 Address for Service 602 – 16 Wilsonview Avenue
 Guelph, Ontario N1G 1V4

I am at least 18 years of age.

I am not a spouse

This document is not authorized under Power of Attorney by this party.

Transferee(s)**Capacity****Share**

Name HOLMAN, KENNETH RONALD Joint Tenants
 Date of Birth 1962 12 23
 Address for Service 4624 Concession 11
 R.R. #1
 Puslinch, Ontario N0B 2J0

Name HOLMAN, JANINE FRIEDA Joint Tenants
 Date of Birth 1962 10 23
 Address for Service 4624 Concession 11
 R.R. #1
 Puslinch, Ontario N0B 2J0

STATEMENT OF THE TRANSFEROR (S): The transferor(s) verifies that to the best of the transferor's knowledge and belief, this transfer does not contravene the Planning Act.

STATEMENT OF THE SOLICITOR FOR THE TRANSFEROR (S): I have explained the effect of the Planning Act to the transferor(s) and I have made inquiries of the transferor(s) to determine that this transfer does not contravene that Act and based on the information supplied by the transferor(s), to the best of my knowledge and belief, this transfer does not contravene that Act. I am an Ontario solicitor in good standing.

STATEMENT OF THE SOLICITOR FOR THE TRANSFEREE (S): I have investigated the title to this land and to abutting land where relevant and I am satisfied that the title records reveal no contravention as set out in the Planning Act, and to the best of my knowledge and belief this transfer does not contravene the Planning Act. I act independently of the solicitor for the transferor(s) and I am an Ontario solicitor in good standing.

Signed By

Robert Andrew Nixon 183 Norfolk Street acting for Signed 2016 03 30
 Guelph Transferor(s)
 N1H 4K1

Tel 519-821-9610

Fax 519-821-8550

I am the solicitor for the transferor(s) and I am not one and the same as the solicitor for the transferee(s).

I have the authority to sign and register the document on behalf of the Transferor(s).

Robin-Lee Anne Norris Ontario AgriCentre 100 Stone Road acting for Signed 2016 03 30
 West Ste 301 Transferee(s)
 Guelph
 N1G 5L3

Tel 519-822-4680

Fax 519-822-1583

I am the solicitor for the transferee(s) and I am not one and the same as the solicitor for the transferor(s).

I have the authority to sign and register the document on behalf of the Transferee(s).

Submitted By

MILLER THOMSON LLP

Ontario AgriCentre 100 Stone Road
West Ste 301
Guelph
N1G 5L3

2016 03 30

Tel 519-822-4680

Fax 519-822-1583

Fees/Taxes/Payment

<i>Statutory Registration Fee</i>	\$62.85
<i>Provincial Land Transfer Tax</i>	\$5,176.00
<i>Total Paid</i>	\$5,238.85

File Number

Transferor Client File Number : 15-696

Transferee Client File Number : JV208726.2

LAND TRANSFER TAX STATEMENTS

In the matter of the conveyance of: 71189 – 0114 PART LOT 16, CON 10, PUSLINCH, PT 1 61R9311; TOWNSHIP OF PUSLINCH

BY: DIMOCK, HEDLEY G.

TO: HOLMAN, KENNETH RONALD
HOLMAN, JANINE FRIEDA

Joint Tenants
Joint Tenants

1. HOLMAN, KENNETH RONALD AND HOLMAN, JANINE FRIEDA

I am

- (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;
 - (b) A trustee named in the above-described conveyance to whom the land is being conveyed;
 - (c) A transferee named in the above-described conveyance;
 - (d) The authorized agent or solicitor acting in this transaction for _____ described in paragraph(s) () above.
 - (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for _____ described in paragraph(s) () above.
 - (f) A transferee described in paragraph() and am making these statements on my own behalf and on behalf of _____ who is my spouse described in paragraph() and as such, I have personal knowledge of the facts herein deposed to.
-

2. I have read and considered the definition of "single family residence" set out in subsection 1(1) of the Act. The land being conveyed herein:

contains at least one and not more than two single family residences.

3. **The total consideration for this transaction is allocated as follows:**

(a) Monies paid or to be paid in cash	435,050.00
(b) Mortgages (i) assumed (show principal and interest to be credited against purchase price)	0.00
(ii) Given Back to Vendor	0.00
(c) Property transferred in exchange (detail below)	0.00
(d) Fair market value of the land(s)	0.00
(e) Liens, legacies, annuities and maintenance charges to which transfer is subject	0.00
(f) Other valuable consideration subject to land transfer tax (detail below)	0.00
(g) Value of land, building, fixtures and goodwill subject to land transfer tax (total of (a) to (f))	435,050.00
(h) VALUE OF ALL CHATTELS –items of tangible personal property	0.00
(i) Other considerations for transaction not included in (g) or (h) above	0.00
(j) Total consideration	435,050.00

PROPERTY Information Record

A. Nature of Instrument: Transfer
LRO 61 Registration No. WC464190 Date: 2016/03/30

B. Property(s): PIN 71189 – 0114 Address PUSLINCH Assessment 2301000 – 00701945
Roll No

C. Address for Service: 4624 Concession 11
R.R. #1
Puslinch, Ontario N0B 2J0

D. (i) Last Conveyance(s): PIN 71189 – 0114 Registration No. WC21738
(ii) Legal Description for Property Conveyed: Same as in last conveyance? Yes No Not known

E. Tax Statements Prepared By: Robin–Lee Anne Norris
Ontario AgriCentre 100 Stone Road West Ste
301
Guelph N1G 5L3

Hillary Miller

From: Andrew Hartholt
Sent: Friday, March 24, 2023 10:59 AM
To: Hillary Miller
Subject: RE: Minor Variance Notice of Public Hearing - D13/HOL - 4524 Concession 11

Hillary,

Will we be adding a condition on the variance to enter into an agreement, with a deposit, for the existing accessory buildings?

Besides the above question, I have no concerns from a building code perspective.



Andrew Hartholt, CBCO/CRBO
Chief Building Official
Township of Puslinch
7404 Wellington Rd. 34, Puslinch, ON N0B 2J0
P: 519-763-1226 ext. 229/Fax: 519-763-5846 www.puslinch.ca

My work hours may not match yours, and I do not expect you to respond outside your working hours

From: Hillary Miller <hmill@puslinch.ca>
Sent: Thursday, March 23, 2023 9:53 AM
To: Services <services@puslinch.ca>; Andrew Hartholt <ahartholt@puslinch.ca>; Jacob Normore <jnormore@puslinch.ca>; Brent Smith <bsmith@puslinch.ca>; Mike Fowler <mfowler@puslinch.ca>
Subject: Minor Variance Notice of Public Hearing - D13/HOL - 4524 Concession 11

Good morning,

Attached please find the Notice of Public Hearing with respect to the above property for your review and comment. Please provide any comments you might have by March 31, 2023.

Kind regards,



Hillary Miller
Legislative Assistant
Township of Puslinch
7404 Wellington Rd. 34, Puslinch, ON N0B 2J0
P: 519-763-1226 x207/Fax: 519-763-5846 www.puslinch.ca

Hillary Miller

From: Brent Smith
Sent: Thursday, March 30, 2023 10:17 AM
To: Hillary Miller
Cc: Tom Mulvey
Subject: RE: AMENDED Minor Variance Notice of Public Hearing - D13/HOL - Concession 10, Lot 16, RP 61R-9311; Pt. 1

Hi Hillary,
The Fire Department has no concerns with the amended minor variance proposal.
Thanks
Brent

From: Hillary Miller <hmiller@puslinch.ca>
Sent: Wednesday, March 29, 2023 11:13 AM
To: Brent Smith <bsmith@puslinch.ca>; Andrew Hartholt <ahartholt@puslinch.ca>; Mike Fowler <mfowler@puslinch.ca>; Services <services@puslinch.ca>; Jacob Normore <jnormore@puslinch.ca>
Subject: AMENDED Minor Variance Notice of Public Hearing - D13/HOL - Concession 10, Lot 16, RP 61R-9311; Pt. 1

Good morning,

Attached please find the Amended Notice of Public Hearing with respect to the above property for your review.

Kind regards,



Hillary Miller
Legislative Assistant
Township of Puslinch
7404 Wellington Rd. 34, Puslinch, ON N0B 2J0
P: 519-763-1226 x207/Fax: 519-763-5846 www.puslinch.ca



PLANNING REPORT for the TOWNSHIP OF PUSLINCH

Prepared by the County of Wellington Planning and Development Department

MEETING DATE: April 11th, 2023
TO: Lynne Banks, Secretary-Treasurer
Township of Puslinch
FROM: Asavari Jadhav, Junior Planner
Joanna Salsberg, Planner
County of Wellington
SUBJECT: **MINOR VARIANCE APPLICATION D13/HOL (Janine and Kenneth Holman)**
Concession 10 Part Lot 16 RP 61R9311; Part 1
ATTACHMENTS 1. Site Plan Submitted by Applicant

We have reviewed the application for minor variance and provide the following comments. These comments are offered without the benefit of a site visit.

Planning Opinion

The variance requested would provide relief from Section 11.4 (Table 11.3) and Section 4.4.2 (a) of the Zoning By-law requesting permission for reduction in the minimum lot frontage and to permit accessory structures to be retained on the rural residential lot prior to the erection of the principle building. A lot frontage of 20 meters is proposed, whereas the By-law requires a minimum lot frontage of 25 meters for properties that are greater than 0.4 hectares in size.

This application is related to severance application **B138/22** was conditionally approved at the January 2023 Land Division Committee Meeting. This application would sever a 0.42 ha (1.04 ac) vacant parcel for rural residential use and a 1.9 ha (4.70 ac) parcel would be retained with a shed and shipping container (Figure 1). The minor variance application is a condition of approval for the above noted consent application.

The Township Zoning By-law contains specific provisions for shipping containers within the Agricultural Zone in Section 4.24.2 that are distinct from the provisions for accessory buildings. This section does not permit shipping containers to be used as an accessory building to a residential use. Planning staff are recommending that the shipping container be removed as a condition of the minor variance.

Subject to the inclusion of the recommended conditions below, Planning Staff have no concerns. This minor variance maintains the general intent and purpose of the Official Plan and Zoning By-law, and is minor in nature, and appropriate for the development of the subject property. The following conditions should be considered:

1. That the property owner(s) enter into an agreement with the Township regarding the retention of the accessory structure (shed) and that this agreement be registered on title;
2. That the property owner(s) post securities, as required by the Township.
3. That the shipping container is removed to the satisfaction of the Township; and
4. That Public Works is satisfied that a safe access can be achieved for the retained parcel to the satisfaction of the Township.

Proposal:

Section of the By-law	Required	Proposed
1. Section 11.4, Table 11.3 – Reduced Agricultural Lot Requirements	The by-law requires a minimum lot frontage of 25 m	20 m
2. Section 4.4.2 a. Accessory Buildings and Structures	The by-law requires that no accessory building or structure shall be erected on a lot prior to the erection of the principal building on the lot.	Requesting two accessory structures be permitted on the retained parcel prior to the erection of the principal building.



Figure 1 - Subject Property

Our discussion of this application relative to the four tests under the Planning Act is as follows:

Four Tests	Discussion
That the requested variance is minor in nature	<ul style="list-style-type: none"> The proposed application is requesting relief from the lot frontage requirements and to allow two accessory structures (a shed and shipping container) to remain on the retained parcel until such time that the principal building (i.e. a dwelling) is constructed. Once a new dwelling is built, the existing shed would be subordinate to the dwelling and will be considered an

	<p>‘accessory building’.</p> <ul style="list-style-type: none"> • The Township Zoning By-law does not permit shipping containers within the Agricultural Zone to be accessory to residential uses. Planning staff are proposing a condition for the removal of the shipping container. • A lot frontage of 20 meters is proposed for the retained parcel, whereas the By-law requires a minimum lot frontage of 25 meters for properties that are greater than 0.4 hectares in size. The proposed severed parcel meets the lot frontage requirements for the properties that are greater than 0.4 hectares in size. • Within the submitted minor variance sketch, both the severed and retained lands meet the minimum lot area requirements of the Agriculture (A) Zone. • The Committee should consider any comments received from Public Works regarding achieving a safe access for the retained parcel.
<p>That the intent and purpose of the Zoning By-law is maintained</p>	<ul style="list-style-type: none"> • The subject property is zoned Agricultural (A) and Natural Environmental (NE) and a portion of land is within the Environmental Protection Zone Overlay. The existing shed and shipping container are located within the A Zone. • A singled detached dwelling and accessory buildings are a permitted use within the Agricultural (A) zone. • Lot frontage of 20 meters is proposed for retained parcel, as opposed to the minimum required lot frontage of 25 meters for properties greater than 0.4 hectares in size. • The intent of the minimum lot frontage is to ensure that a safe entrance is available and also to ensure the viability of present and future use of the property. The Committee should consider any comments received by the Public Works Department regarding a safe entrance. • Section 4.4.2 (a) of the Zoning By-law requires that no accessory building or structure shall be erected on a lot prior to the erection of the principal building on the lot. • The intent of restricting the erection of accessory buildings or structures until the erection of the primary building is to ensure that any accessory buildings or structures are incidental, subordinate to or exclusively devoted to a principal use on the property. • The applicant has indicated that the site contains an existing shed (5m²) and an existing shipping container (9m²) on the retained lands. • The existing shed meets setback requirements and lot coverage requirements for accessory buildings. • The by-law contains specific provisions regarding shipping containers within the A Zone in section 4.24.2. This section provides restrictions to shipping containers and Township staff are of the opinion that the By-law does not permit them within the A Zone as an accessory use to a residential use. The applicant has indicated that the intent the application is for the shipping container to remain on-site to serve a future residential use. • As the Township does not permit shipping containers to be used as an accessory use to a residential use, a condition has been included to remove the shipping container to address zoning compliance. • The intent and purpose of the Zoning By-law would be maintained by applying conditions of approval to ensure that the shipping container is removed and the shed would be permitted without a principal use until a residential dwelling is built.

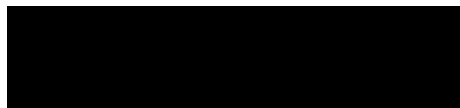
<p>That the general intent and purpose of the Official Plan is maintained</p>	<ul style="list-style-type: none"> • The property is designated Secondary Agricultural, Core Greenlands and Greenlands. • The subject lands are identified as being within the Paris Galt Moraine Policy. • A single detached dwelling is a permitted use in the Secondary Agricultural designation. • Related consent application B138-22 has been conditionally approved by the Wellington County Land Division Committee and was deemed to be consistent with the Official Plan.
<p>That the variance is desirable for the appropriate development and use of the land, building or structure</p>	<ul style="list-style-type: none"> • The subject property is surrounded by rural residential and agricultural uses to the north, east and west, as well as rural residential uses to the east. • The abutting rural residential parcels are characterized by varied lots sizes and widths. • The proposed severed and retained lots meet the minimum lot area requirements for the A Zone. • Provided that Public Works has no concerns regarding the reduced frontage and a safe entrance is achievable, Planning Staff is satisfied that the reduced frontage of 20 meters for retained parcel is sufficient, desirable and appropriate for the development and use of the land. A condition has been proposed to ensure the safe access can be achieved for the retained parcel. • Planning staff note that the shed on the retained lands is meant to serve a new dwelling that will be constructed after the severance is completed. • Appropriate conditions have been proposed to address the Township’s approach to allowing an accessory structure without the main use for a period of time until such time the dwelling is constructed. • Although the shipping container on the property is proposed to serve a new dwelling after the severance is complete, the use of a shipping container as an accessory building to a residential use is not a permitted within the Zoning By-law, as determined by the Township. To address this, a condition for removal has been included. • The Committee should consider comments received from the Public Works Department and Building Department regarding any concerns regarding the proposed site entrance, grading or drainage or servicing.

In conclusion, planning staff is of the opinion that the requested variance application **meets the four tests** of the *Planning Act* provided any concerns of the Building Department and Public Works Department are addressed and subject to the recommended conditions. We trust that these comments will be of assistance to the Committee in their consideration of this matter. We would appreciate a copy of the Committee’s decision with respect to this application.

Respectfully submitted
County of Wellington Planning and Development Department



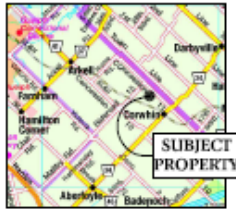
Asavari Jadhav
Junior Planner



Joanna Salsberg, B.A., M.PL.
Planner

ATTACHMENT 1: Site Plan Submitted by Applicant

KEYMAP

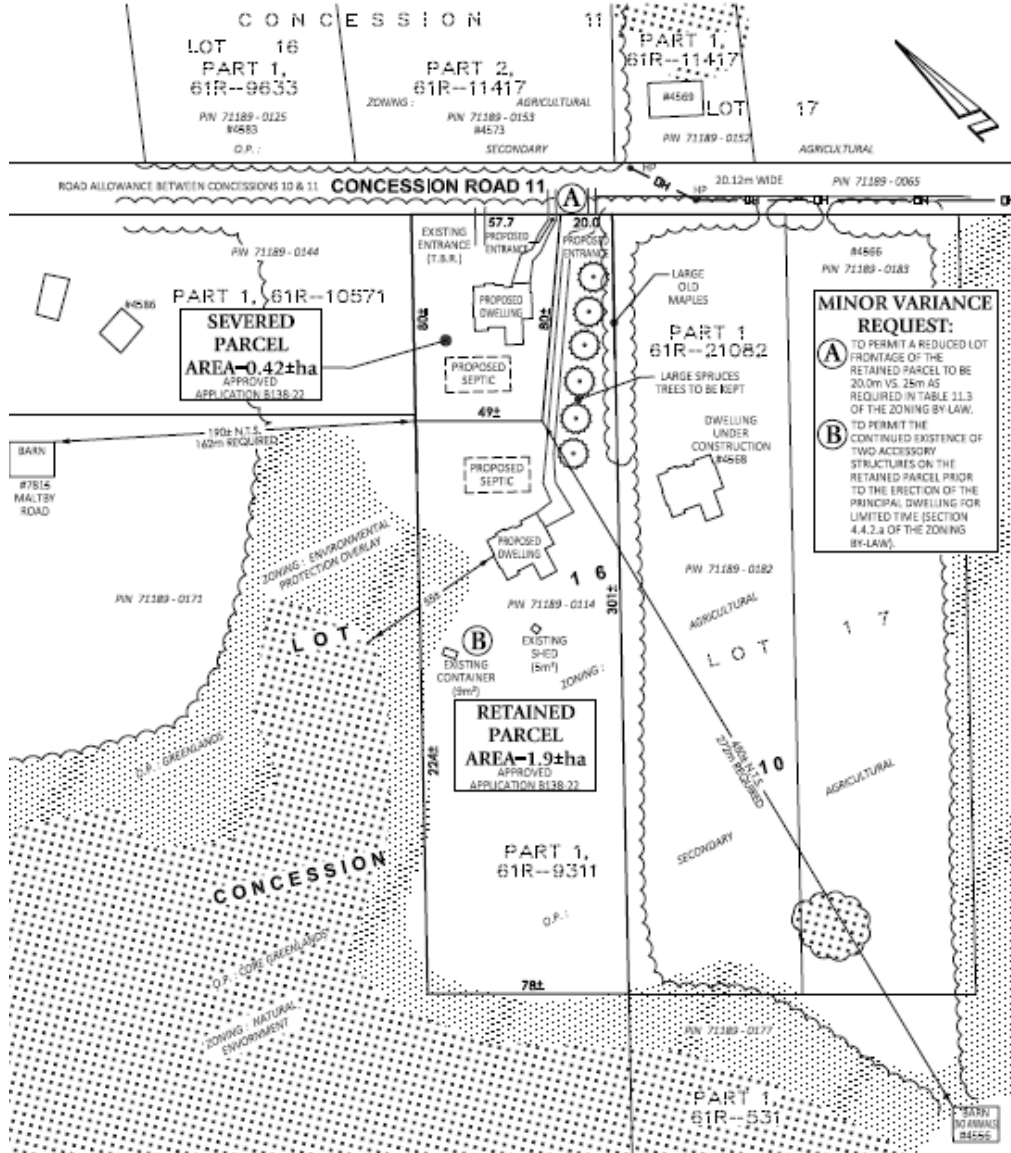


**MINOR VARIANCE SKETCH
PART OF LOT 16, CONCESSION 10
TOWNSHIP OF PUSLINCH
COUNTY OF WELLINGTON**

SCALE 1 : 1500
VAN HARTEN SURVEYING INC.

NOTES:

1. THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.
2. SUBJECT LANDS ARE ZONED AGRICULTURAL & ENVIRONMENTAL PROTECTION OVERLAY.
3. SUBJECT LANDS HAVE AN OFFICIAL PLAN DESIGNATION OF SECONDARY AGRICULTURAL & GREENLANDS.
4. DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
5. DIMENSIONS ON THIS SKETCH ARE APPROXIMATE AND HAVE NOT BEEN VERIFIED BY SURVEY.
6. N.T.S. DENOTES NOT TO SCALE.
7. T.B.R. DENOTES TO BE REMOVED.
8. PROPERTY OWNERS: KEN & JANINE HOLMAN.



O.P. : GREENLANDS
 ZONING: ENVIRONMENTAL PROTECTION OVERLAY
 O.P. : CORE GREENLANDS
 ZONING: NATURAL ENVIRONMENT

THIS SKETCH WAS PREPARED
ON THE 9th DAY OF MARCH 2023



Etchemun Ph: 519-742-8371 Guelph Ph: 519-821-2763 Orangeville Ph: 519-940-4110
 www.vanharten.com info@vanharten.com

JEFFREY E. SUBSMAN
ONTARIO LAND SURVEYOR

DRAWN BY: ARN CHECKED BY: JJB PROJECT No: 21240-22
 M07'S: 2023 8:42:18 AM
 G:\PUSLINCH\Con10\Lot 16\ACAD\MY LOT 16 (HOLMAN) UTM.dwg



Township of Puslinch
7404 Wellington Road #34
Guelph, ON, N1H 6H9
T: (519) 763 – 1226
F: (519) 763 – 5846
www.puslinch.ca

Minor Variance or Permission Application

General Information:

1. Applicant Information:

Registered Owner's Name(s): Andrew Richard MULDER & Marcella Lynn VEENMAN-MULDER

Address: 4541 Concession 11

City: Puslinch, ON

Postal Code: N0B 2J0

E-mail Address: [REDACTED]

Telephone Number: [REDACTED]

Fax: _____

Applicant (Agent) Name(s): Jeff Buisman of Van Harten Surveying Inc.

Address: 2106 Gordon Street

City: Guelph, ON

Postal Code: N1L 1G6

E-mail Address: [REDACTED]

Telephone Number: [REDACTED]

Fax: [REDACTED]

Name, address, and phone number of all persons having any mortgages, charges, or encumbrances on the property.

Mortgage as in INST No. WC589195 with the Bank of Nova Scotia

Send correspondence to: Owner: Agent Other: _____

2. Provide a description of the "entire" property:

Municipal address: 4541 Concession 11

Concession: 11 Lot: 18

Registered Plan Number: Part 1, 61R-8298

Severed Parcel Area: 0.63ha ha Depth: 135m m Frontage: 46.4m m
_____ ac _____ ft _____ ft

Width of road allowance (if known): 20.12m

Reason for Application:

3. Please indicate the Section of the Planning Act under which this application is being made. Select one:

- Section 45(1) relates to a change to a by-law standard (e.g. setbacks, frontage, height, etc.); or
- Section 45(2) relates to a change to or expansion of an existing legal non-conforming use.

4. What is the nature and extent of the relief that is being applied for? (please specifically indicate on sketch).

The following variance is being requested:

A) To permit the continued existence of an accessory building on the Severed Parcel prior to the erection of the principal building for a limited time (Section 4.4.2.a of the Zoning By-law).

Please see our covering letter for more details.

**5. Why is it not possible to comply with the provisions of the by-law?
(please specifically indicate on sketch).**

A minor variance application is being made for the Severed Parcel of Severance Application B127-22. This application has been approved subject to conditions including the requirement of Zoning Compliance (Condition 7 and 8).

Please see covering letter for more information.

6. What is the current Official Plan and zoning status?

Official Plan Designation: Secondary Agricultural & Greenlands

Zoning Designation: Agricultural & Environmental Protection Overlay

7. What is the access to the subject property?

Provincial Highway:

Continually maintained municipal road:

Seasonally maintained municipal road:

Other: (please specify below)

8. What is the name of the road or street that provides access to the subject property?

Concession 11

9. If access is by water only, please describe the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land to the nearest public road.

N/A

Existing and Proposed Service:

10. Indicate the applicable water supply and sewage disposal:

Water Supply/Sewage Disposal:	Retained Parcel	Severed Parcel
	Existing:	Proposed:
Municipal Water:	<input type="checkbox"/>	<input type="checkbox"/>
Communal Water:	<input type="checkbox"/>	<input type="checkbox"/>
Private Well:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other Water Supply:	<input type="checkbox"/>	<input type="checkbox"/>
Municipal Sewers:	<input type="checkbox"/>	<input type="checkbox"/>
Communal Sewers:	<input type="checkbox"/>	<input type="checkbox"/>
Private Septic:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other Sewage Disposal:	<input type="checkbox"/>	<input type="checkbox"/>

11. How is storm drainage provided?

Storm Sewers:

Ditches:

Swales:

Other means: (explain below)

Existing Subject and Abutting Property Land Uses, Buildings and their Locations:

12. What is the existing use of:

The subject property? Rural Residential

The abutting properties? Rural Residential / Agricultural

13. Provide the following details for all buildings on or proposed for the subject land: (please use a separate page if necessary)

See sketch for details

Building Details:	Existing:		Proposed:	
Type of Building(s)/ structures	Shop			
Main Building height	m	ft.	m	ft.
*Percentage lot coverage	3.6%	m	m	ft.
*Number of parking spaces				
*Number of loading spaces				
Number of floors	1			
Total floor area	m ²	ft ²	m ²	ft ²
Ground floor area (exclude basement)	220	m ² ft ²	m ²	ft ²

14. What is the location of all buildings existing and proposed for the subject property? (specify distances from front, rear and side lot lines)

See sketch for details

Building Details:	Existing:		Proposed:	
Front Yard	18.4m	m ft.	m	ft.
Rear Yard	m	ft.	m	ft.
Side Yards	11.5	m 12.2 ft.	m	ft.

15. What are the dates of acquisition and construction of subject property and building property?

Date of acquisition of subject property: June 2002

Date of construction of buildings property: Many years ago

16. How long have the existing uses continued on the subject property? Many years

17. Has the owner previously applied for relief in respect of the subject property?

Yes No

If the answer is yes, please indicate the file number and describe briefly:

N/A

Other Related Planning Applications:

18. Has an application for any of the following on the subject lands?

Planning Application:	Yes:	No:	File Number:	Approval Authority:	Subject Lands	Purpose:	Status:
Official Plan Amendment	<input type="checkbox"/>	<input type="checkbox"/>					
Zoning By-Law Amendment	<input type="checkbox"/>	<input type="checkbox"/>					
Plan of Subdivision	<input type="checkbox"/>	<input type="checkbox"/>					
Consent (Severance)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	B127-22	County of Wellington	Lot 18, Con 11	Severance	Approved Subject to Conditions
Site Plan	<input type="checkbox"/>	<input type="checkbox"/>					
Minor Variance	<input type="checkbox"/>	<input type="checkbox"/>					

Authorization for Agent/Solicitor to act for Owner:

30939-22

(If affidavit is signed by an Agent/Solicitor on Owner's behalf, the Owner's written authorization below shall be completed)

I (we) Andrew Richard MULDER & Marcella Lynn VEENMAN-MULDER of the

Township of Puslinch County/Region of

Wellington do hereby authorize

Jeff Buisman of Van Harten Surveying Inc. to act as my agent in this application.



Signature of Owner(s)

DEC. 20/2022
Date

Dec 20/22
Date

Affidavit:

I (we) Jeff Buisman of Van Harten Surveying Inc. of the

City of Guelph County/Region of

Wellington solemnly declare that all the statements

contained in this application are true, and I, (we), make this solemn declaration

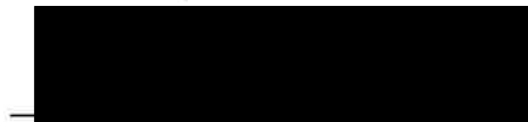
conscientiously believing it to be true, and knowing that it is of the same force and effect

as if made under oath and by virtue of the CANADA EVIDENCE ACT. DECLARED

before me at the City of Guelph in the

County/Region of Wellington this 10 day of

March, 20 23.



Signature of Owner or authorized solicitor or agent

March 10, 2023
Date



Signature of Commissioner

James Michael Laws.
a Commissioner, etc.,
Province of Ontario,
for Van Harten Surveying
Expires May 11, 2023

March 10, 2023
Date



March 10, 2023
30939-22

Township of Puslinch
7404 Wellington Road 34
Puslinch, Ontario
N0B 2J0

Attention: Lynne Banks

Dear Ms. Banks:

**Re: Minor Variance Application & Sketch for Severance B127-22
4541 Concession 11
Part of Lot 18, Concession 11
Part 1, 61R-8298
PIN 71189-0106
Township of Puslinch**

Please find enclosed an application for a minor variance on the above-mentioned property. Included with this submission are copies of the minor variance sketch, completed application form, required deed, PIN report and map, Sourcewater Protection Form, and a cheque in the amount of \$1,365.00 to the Township of Puslinch.

Proposal:

A minor variance request is being made for the Severed Parcel of the Severance Application B127-22 that has been approved subject to conditions at the November 2022 Land Division Committee Meeting. This variance is required to satisfy Conditions 7 and 8 of the approved application. The Minor Variance request is as follows:

- A. To permit the continued existence of an accessory building on the Severed Parcel prior to the erection of the principal building for a limited time (Section 4.4.2.a of the Zoning By-law).**
 - a. This entails an Agreement between the property owner and Township to have a new dwelling built within the specified timeframe; and**
 - b. \$5,000 deposit – which is non-refundable if the dwelling is not built in accordance with the Agreement.**

The approved severance is creating a new rural residential parcel along Concession Road 11 with a frontage of 46.4m, depth of 135±m, for an area of 0.63±ha where a dwelling is proposed and where the existing shop is to remain. The parcel has been evaluated and safe entrance is possible.

The subject property is zoned Agricultural, and the Reduced Lot Requirements listed in Table 11.3 of the Zoning By-law will be met for the Severed and Retained Parcels in terms of lot area and frontage.

The Severed Parcel meets the Zoning requirements for lot area and frontage; however, a variance is required for the existing accessory building. There is a small shed that will be removed, but the intention is to keep the workshop on the Severed Parcel as it is in good condition and the property owners would like to use it once they construct a new dwelling on the parcel.

We acknowledge the fact that the Severed Parcel will include an accessory building without a main residential use for a limited time and understand that the following conditions need to be met for this minor variance request:

- A signed Agreement between the property owner and Township that a dwelling will be built within a specific timeframe; and
- A deposit of \$5,000.00 to ensure a dwelling is constructed within a certain timeframe or else the Township will not return the deposit.

The owners, Andrew and Marcella Mulder are aware of the circumstances and are eager to proceed with the next steps to have a new house built on the Severed Parcel.

The floor area of the shop is 220m²; whereas the current zoning permits a maximum floor area of 200m² for an accessory building with a Lot area less than 1.0ha. A variance would have been included to address this discrepancy, however after discussions with Planning Staff, it was confirmed that the building was permitted in the previous Zoning By-law and therefore, considered legal non-conforming.

The Retained Parcel is known as #4541 Concession Road 11 (PIN 71189-0106) has a frontage of 88.6m, depth of 135±m for an area of 1.2±ha where the existing dwelling, garage, shed and pool will remain.

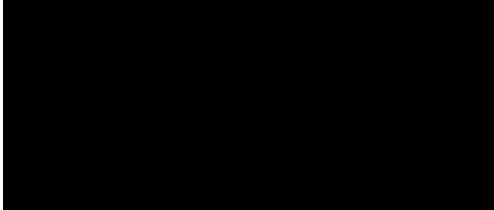
There is a small firewood shed attached to the rear of the existing garage – originally the intent was to remove the shed as it crossed the property line; however, the severance line was slightly shifted so that the shed is at least 2.0m from the property line and therefore the Zoning is met, and the shed can remain. The entrance exists and the safe access will continue to be maintained and the zoning requirements are met for this parcel.

In conclusion, we provide the opinion that the minor variance request meets the four tests for a minor variance. There are no negative impacts to neighbours and the variance is only temporary until a dwelling is constructed.



Please call me if you or the Planning Staff have any questions.

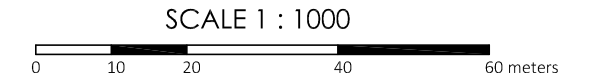
Very truly yours,
Van Harten Surveying Inc.



Jeffrey E. Buisman B.E.S, B.Sc.
Ontario Land Surveyor

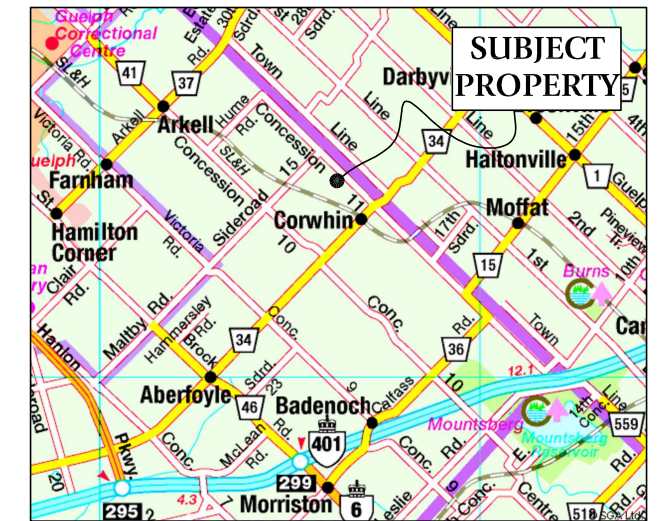
cc Andrew & Marcella Mulder

**MINOR VARIANCE SKETCH
PART OF LOT 18, CONCESSION 11
TOWNSHIP OF PUSLINCH
COUNTY OF WELLINGTON**



VAN HARTEN SURVEYING INC.

KEYMAP

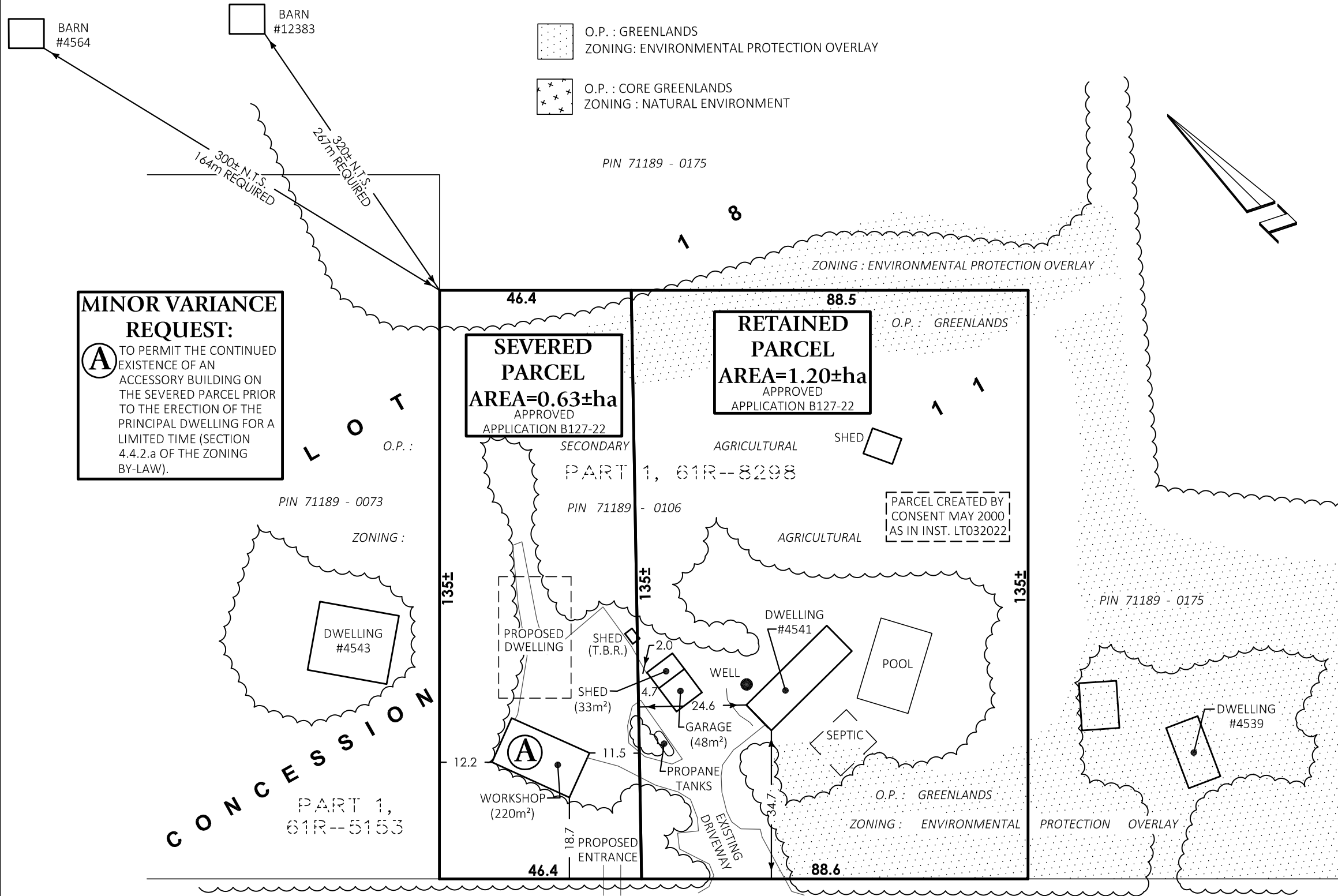


NOTES:

1. THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.
2. SUBJECT LANDS ARE ZONED AGRICULTURAL AND ENVIRONMENTAL PROTECTION OVERLAY.
3. SUBJECT LANDS HAVE A COUNTY OFFICIAL PLAN DESIGNATION OF SECONDARY AGRICULTURAL AND GREENLANDS.
4. DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
5. DIMENSIONS ON THIS SKETCH ARE APPROXIMATE AND HAVE NOT BEEN VERIFIED BY SURVEY.
6. N.T.S. DENOTES NOT TO SCALE.
7. T.B.R. DENOTES TO BE REMOVED.
8. PROPERTY OWNERS: ANDREW & MARCELLA MULDER.

THIS SKETCH WAS PREPARED ON THE 10th DAY OF MARCH 2023

JEFFREY E. BUISMAN
ONTARIO LAND SURVEYOR



MINOR VARIANCE REQUEST:
(A) TO PERMIT THE CONTINUED EXISTENCE OF AN ACCESSORY BUILDING ON THE SEVERED PARCEL PRIOR TO THE ERECTION OF THE PRINCIPAL DWELLING FOR A LIMITED TIME (SECTION 4.4.2.a OF THE ZONING BY-LAW).

SEVERED PARCEL
AREA=0.63±ha
 APPROVED APPLICATION B127-22

RETAINED PARCEL
AREA=1.20±ha
 APPROVED APPLICATION B127-22

PARCEL CREATED BY CONSENT MAY 2000 AS IN INST. LT032022

Van Harten
 SURVEYING INC.
 LAND SURVEYORS and ENGINEERS

Kitchener Ph: 519-742-8371	Guelph Ph: 519-821-2763	Orangeville Ph: 519-940-4110
-------------------------------	----------------------------	---------------------------------

www.vanharten.com info@vanharten.com

DRAWN BY: ARN	CHECKED BY: JEB	PROJECT No. 30939-22
---------------	-----------------	----------------------

Mar 10, 2023-2:09:59 PM
 G:\PUSLINCH\Con11\ACAD\MV LOT 18 (MULDER) UTM.dwg



Drinking Water Source Protection Screening Form

Office Use Only

Roll Number: _____

File Number: _____

Submission Date: _____

WHPA, IPZ, ICA: _____

Vulnerability Score: _____

For assistance in completing this form, please refer to the “Explanatory Guide” beginning on page 5.

1. Property Information

Municipal Address of Subject Property: 4541 Concession 1, Puslinch

Property Owner: Andrew Mulder

2. Proposal (Please check all that apply to this application):

	Building
<input type="checkbox"/>	New Structure
<input type="checkbox"/>	Expansion or Conversion of an Existing Structure
<input type="checkbox"/>	New or Replacement Septic System
<input type="checkbox"/>	New Well (Transport Pathway)
<input type="checkbox"/>	Geothermal System (Transport Pathway)
<input type="checkbox"/>	Change of Use

	Planning
<input checked="" type="checkbox"/>	Minor Variance
<input type="checkbox"/>	Official Plan Amendment
<input type="checkbox"/>	Consent Application
<input type="checkbox"/>	Zoning By-law Amendment Application
<input type="checkbox"/>	Subdivision/Condominium Application
<input type="checkbox"/>	Site Plan Application

Brief Description of the Proposed Use of Land, Proposed Buildings or Structures

A severance for rural residential purposes was recently approved and a minor variance is required for the severed parcel. The Severed Parcel contains an existing workshop and that will remain and a single detached dwelling is proposed. The Retained Parcel contains an existing dwelling and accessory buildings that will remain.

3. Potential Threat Activities Associated with the Application

Please check all applicable activities that may be associated with the development proposal:

3.1 Fuel Handling and Storage greater than 250 litres

- Liquid fuel (i.e. gasoline or diesel)
- Fuel oil (home heating)
- Waste oil (heating)

3.2 Chemical Handling and Storage

- Paints and other coatings (including stains, enamels, lacquers, rust paint)
- Dry cleaning chemicals
- Automotive repair/maintenance and/or industrial manufacturing and processing (e.g. degreasers, automotive fluids, oils, furniture stripping products, chemical solvents, adhesives)
- Solvent based degreasers or liquids for washing metal parts

If yes to any of the above, please indicate the type(s) of chemicals if known:

- 3.2.1 Dense Non-Aqueous Phase Liquids (DNAPLs), including chlorinated solvents
- 3.2.2 Organic Solvents

3.3 Road Salt Application and/or Outdoor Storage

- Road salt storage, outside > 5,000 tonnes
- Road salt application in a parking lot

3.4 Snow Storage (see guide)

3.5 Waste Storage or Disposal (see guide)

- 3.5.1 Storage of raw, untreated liquids and solids that are pumped out of septic systems and holding tanks (not including septic tanks)
- 3.5.2 Storage and/or disposal of oils; hazardous waste; liquid industrial waste; industrial and commercial waste; or PCB waste (does not include restaurant oil or grease)

3.6 Storm Water Management/Industrial Sewage

- Stormwater management facility (treatment, retention, infiltration or control of stormwater)

- Car or truck washing facility
- Oil and Water Separator
- Sediment control (ie Stormceptor)

3.7 Septic Systems

- Septic system for residential or small-scale commercial/industrial/institutional use **EXISTING**
- Septic system (Greater than 10,000 litres per day) for commercial/industrial/institutional use (note an Environmental Compliance Approval would be required)

3.8 Agricultural / Commercial

- 3.8.1 Application, handling and storage of fertilizers and / or pesticides
- 3.8.2 Application, handling and storage of agricultural source material (i.e. manure)
- 3.8.3 Application, handling and storage of non-agricultural source material (e.g. biosolids, commercial food wastes, etc.)
- 3.8.4 Grazing and pasturing of livestock
- 3.8.5 Nutrient Management Plan or Strategy applies to property

3.9 Water Taking

- 3.9.1 Private well (existing or new) **EXISTING**
- 3.9.2 Greater than 50,000 litres per day of water being used (note a Permit to Take Water would be required)
- 3.10 Recharge Reduction – creation of impervious surfaces (including large roofed areas, pavement) – only applies within Town of Erin**
- 3.11 Transport Pathway (see guidance includes wells, aggregate pits, geothermal systems)**
- None of the above are applicable**

4. Declaration (Owner or Applicant) or Person Engaged in Activity

Owner

I, _____, declare that the information contained in this application and all attached documentation is true to the best of my knowledge.

Date

Signature

Applicant or Authorized Agent

I, Jeff Buisman of Van Harten Surveying Inc., declare that the information contained in this application and all attached documentation is true to the best of my knowledge.

March 10, 2023
Date



Signature

Information is collected pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 and the *Clean Water Act*, 2006, S.O. 2006, c. 22 for the administration and enforcement of the *Clean Water Act*. Please note that business identity information is not considered personal information pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*.

For any inquiries about the collection of this information, please contact the Risk Management Official, Wellington Source Water Protection, 7444 Wellington Road 21, Elora, ON, N0B 1S0, 519-846-9691 ext. 362.

Explanatory Guide for Completing the Drinking Water Source Protection Screening Form

Your property is located within a municipal well head protection area or intake protection zone and therefore may be subject to the *Clean Water Act*, 2006. The Wellhead Protection Area (WHPA) is the area around a municipal well where land use activities have the potential to affect the quality and quantity of water that flows into the wellhead. For more information, refer to www.wellingtonwater.ca or contact 1-844-383-9800.

To assist staff in determining whether your property and/or application is subject to the Act, the Drinking Water Source Protection Screening Form is completed to inventory the activities that are proposed on your property. The following sections explain the form.

Section 1 – Property Information:

Please fill out the municipal address and property owner for the subject property.

Section 2 – Proposal:

Please check all that apply to the application and provide a brief explanation of the proposed development

Section 3 – Potential Threat Activities Associated with Proposed Application:

Within this section please check all that apply to your application.

3.1 Liquid Fuel Handling and Storage:

Check the box if on the property there is liquid fuel storage or handling greater than 250 litres (1 gal = 3.785 L). This can be located in land uses for residential, agricultural, gas, commercial, industrial or institutional purposes and includes gasoline, diesel or home heating oil. It does not include propane or natural gas.

3.2 Chemical Handling and Storage:

Check box if the application is regarding one of the listed chemical handling or storage activities on the form.

3.2.1 Known DNAPLs:

Check box only if applicant is aware of a Dense Non-Aqueous Phase Liquid (DNAPL) on the property. DNAPLs are chemicals that are denser than water and therefore have the ability to contaminate the groundwater easily. The specific DNAPLs that pose a potential threat are poly-aromatic hydrocarbons (PAHs), 1, 4-dioxane, trichloroethylene, tetrachloroethylene or perchloroethylene (PCE or PERC) and Vinyl Chloride.

- **Vinyl Chloride:** Used to make polyvinyl chloride (PVC) pipes, wire coatings, vehicle upholstery and plastic kitchen ware
- **PAHs:** Used in wood preservatives, pharmaceuticals, dyes and asphalt products.
- **1,4-dioxane:** Used as a degreasing solvent or solvent stabilizer in various manufacturing processes.
- **Tetrachloroethylene** (PCE or PERC): Used in dry cleaning, metal cleaning and as an intermediate in manufacturing processes.

- **Trichloroethylene (TCE):** Mainly used for degreasing of metal parts in the automotive and metal industries and also found in some household products such as adhesives, paint removers, paints, rug cleaning fluids, and metal cleaners.

3.2.2 Known Organic Solvents:

Check box if the applicant is aware of Organic Solvents on the property. Organic Solvents are liquid organic compounds with the ability to dissolve solid, gases or liquids and therefore have the ability to contaminate drinking water sources. Organic Solvents that are of potential concern include Carbon Tetrachloride, Chloroform, Dichloromethane and Pentachlorophenol (PCP).

- **Carbon Tetrachloride:** Once used widely in fire extinguishers, as a cleaning agent, in the manufacture of refrigerants as well as an industrial solvent and metal degreasing agent is a banned substance in Ontario since 1999. The only permitted uses of the chemical are in research laboratories or in the manufacturing process where the product is converted to an alternative product which does not contain a class of ozone-depleting substances.
- **Chloroform:** commonly used in a laboratory setting, and in the production of pharmaceuticals, dyes and pesticides.
- **Dichloromethane** (also known as methylene chloride): used as a solvent in paint strippers and removers. It is used as a process solvent in the manufacture of drugs, pharmaceuticals and film coatings. It is also used as a metal cleaning and finishing solvent in electronics manufacturing, aerosol propellant and as an agent in urethane foam blowing.
- **Pentachlorophenol (PCP):** used as an herbicide, insecticide, fungicide, algicide and disinfectant, and as an ingredient in antifouling paint. Its use has significantly declined due to its high toxicity. Today it is used industrially as a wood preservative and is not manufactured in Canada.

3.3 Road Salt Application, Handling and Storage:

Check the appropriate box if there will be outdoor, road salt storage greater than 5,000 tonnes or road salt application in a parking lot. Please note it is extremely unlikely that any application will have outside road salt storage greater than 5,000 tonnes.

Please check the appropriate box if salt will be applied to a parking lot.

3.4 Snow Storage:

Check box if there will be below grade (buried) snow storage on the property greater than 0.01 hectare (0.03 acre or 10 metres by 10 metres) or above grade snow storage of greater than 1 hectare (2.5 acres or 100 metres by 100 metres). For reference, 0.01 hectare is roughly a double driveway and 1 hectare is roughly two soccer fields.

3.5.1 Waste Storage or Disposal - Septic Tank Pump outs

Check box only if application is involved in the pumping out or disposal/treatment of raw sewage or septage, porta potties or holding tanks.

3.5.2 Waste Storage or Disposal - Storage and/or Disposal of Hazardous Waste:

Check box if there is hazardous waste or liquid industrial waste stored on the property including waste oil, solvents, and automotive fluids. Please note storage or disposal of oil does not include restaurant oil or grease. Storage of hazardous waste or liquid industrial waste includes wastes requiring registration with the Ontario Hazardous Waste Information Network (HWIN), if applicable. Disposal of

waste on site includes landfilling and incineration. Typically, this will only be at commercial or industrial properties.

3.6 Storm Water Management/Industrial Sewage:

Check box if one of the listed storm water management or industrial sewage activities is planned or present. For reference, a storm water management facility may include a retention or detention pond (wet or dry), catch basins, sediment control, swales and ditches.

3.7 Septic Systems:

Check box if the property will be serviced by a septic system.

3.8.1 Agricultural - Application, handling and storage of fertilizers and pesticides:

Check box if there is storage or use of fertilizer or pesticides for agricultural or commercial use. Do not check the box if used only for personal use.

3.8.2 Agricultural - Application, handling and storage of agricultural (i.e. manure) and/or 3.8.3 non-agricultural source material (bio solids):

Check corresponding box if there is application, handling or storage of Agricultural Source Material (ASM) (manure) or Non-Agricultural Source Material (NASM) on the property. ASM and NASMs include; manure (ASM) and biosolids, commercial food waste, etc. For more information on NASMs and ASMs please look at fact sheet number 4, available on our website, www.wellingtonwater.ca

3.8.4 Agricultural - Grazing and pasturing of livestock:

Check box if there is any grazing, pasturing or housing of one or more livestock on the property excluding household pets. Livestock can include cows, horses, sheep, goats and other animals. If unsure, please contact Wellington Source Water Protection for clarification.

3.9.1 Water Taking - Private well installed:

Check box if there is a well present or being installed on the property. This includes private drinking water wells, environmental test wells, geotechnical wells, irrigation wells etc.

3.9.2 Water Taking - Greater than 50,000 litres per day

Check box if more than 50,000 litres per day is being withdrawn from a well or a water body(1 gal = 3.785 gal).

3.10 Recharge Reduction:

Check box if there is going to be an increase in impervious surfaces on the property. For example, asphalt (driveways and parking areas) and covered areas (roofs, decks and structures). If building within current building envelope then it is not an increase. Please note this box only applies within the Town of Erin.

3.11 Transport Pathway

Transport pathways are human constructed pathways through soil and bedrock that may increase the vulnerability of groundwater to certain contaminants. Please check this box if your application will be installing a vertical geothermal system, installation of caissons or building piers for a non-residential application, aggregate project, installation of utilities or excavation within fractured bedrock or involves a drilling project (i.e. installation of private wells (dug or drilled), environmental or geotechnical test wells and/or boreholes). If the Water Taking – Private Well box was checked, please check the Transport Pathway box as well.

3.12 None Applicable:

Check if none of the above sections in Part 3 are applicable to the application.

Section 4 - Declaration:

Either the owner or the applicant must sign and date the form.

Hillary Miller

From: Brent Smith
Sent: Thursday, March 30, 2023 10:28 AM
To: Hillary Miller
Cc: Tom Mulvey
Subject: RE: AMENDED Minor Variance Notice of Public Hearing - D13/MUL - 4541 Concession 11

Hi Hillary,
Puslinch Fire and Rescue Services have no concerns with the amended minor variance referenced above.
Thanks
Brent Smith
CFPO
Puslinch Fire and Rescue Services

From: Hillary Miller <hmiller@puslinch.ca>
Sent: Wednesday, March 29, 2023 11:24 AM
To: Mike Fowler <mfowler@puslinch.ca>; Andrew Hartholt <ahartholt@puslinch.ca>; Jacob Normore <jnormore@puslinch.ca>; Brent Smith <bsmith@puslinch.ca>; Services <services@puslinch.ca>
Subject: AMENDED Minor Variance Notice of Public Hearing - D13/MUL - 4541 Concession 11

Good morning,

Attached please find the AMENDED Notice of Public Hearing with respect to the above property for your review and comment.

Kind regards,



Hillary Miller
Legislative Assistant
Township of Puslinch
7404 Wellington Rd. 34, Puslinch, ON N0B 2J0
P: 519-763-1226 x207/Fax: 519-763-5846 www.puslinch.ca



**PLANNING REPORT
for the TOWNSHIP OF PUSLINCH**

Prepared by the County of Wellington Planning and Development Department in our capacity as planning consultants for the Township

MEETING DATE: April 11th, 2023
TO: Lynne Banks, Development and Legislative Coordinator
Township of Puslinch
FROM: Joanna Salsberg, Planner
County of Wellington
SUBJECT: **MINOR VARIANCE APPLICATION D13/MUL (Andrew Mulder and Marcella Veenman-Mulder)**
4541 Concession 11,
Concession 11 Pt Lot 18
ATTACHMENTS: **1 – Submitted Site Plan**

We have reviewed the application for minor variance and provide the following comments. These comments are offered without the benefit of a site visit.

Planning Opinion

The applicant is proposing to allow an existing accessory building (workshop) on the subject lands without a primary dwelling. The variance requested would provide relief from Section 4.4.2.a of the Zoning By-law requesting permission for the accessory building to continue to exist prior to the erection of a principal building on the lot. The existing accessory building is 220 m² (2,368.1 ft²) in size.

This application is related to consent application **B127-22**, which received provisional approval from the Land Division Committee in Fall 2022. This related consent severs an approximate 0.63 ha (1.55 ac) rural residential parcel within the Secondary Agricultural Area with an existing shed and workshop. An approximate 1.19 ha (2.94 ac) parcel is retained with an existing dwelling, shed, garage/shed, and pool.

Subject to the inclusion of the recommended conditions below, Planning Staff have no concerns. This minor variance maintains the general intent and purpose of the Official Plan and Zoning By-law, and is minor in nature, and appropriate for the development of the subject property. The following conditions should be considered:

1. That the property owner(s) enter into an agreement with the Township regarding the retention of the accessory structure and that this agreement be registered on title;
2. That the property owner(s) post securities, as required by the Township;
3. That the shed labeled 'T.B.R' on the severed parcel that is located across the proposed consent boundary limits is to be removed to the satisfaction of the Township; and
4. That the applicant demonstrate that setbacks and lot coverage are met for the shed attached to the garage on the retained parcel once the parcel boundaries are adjusted to the satisfaction of the Township.

Background

The requested minor variance application is related to consent application **B127-22**, which received provisional approval from the County of Wellington Land Division Committee in November, 2022. The subject lands are the severed parcel, which contains no main building, but does contain an existing workshop, as well as a shed that is proposed to be removed. The applicant has noted that it is their intent for a principal building to be

constructed in the future, and the intent is for the workshop to serve as an accessory use to the primary dwelling once constructed.

The purpose of this application is to address condition 7 of the related consent, which requires zoning compliance for the accessory structure (workshop). The applicant has noted that the proposal also addresses condition 8, which requires that the small shed attached to the existing garage on the retained parcel be removed to the satisfaction of the Township. The applicant has proposed a minor adjustment to the lot boundary so that the shed attached to the garage on the retained parcel meets the setback requirements of the by-law. A condition has been proposed for the applicant to demonstrate that the shed on the retained parcel meets minimum setback and lot coverage requirements of the by-law. The adjustment of the boundary has resulted in the small shed labeled as 'T.B.R.' on the severed parcel to intersect the proposed lot boundary. The shed is identified to be removed and a condition has been included requiring the removal of the shed on the severed parcel, specifically due to its location in relation to the lot line and that the shed would result in non-compliance due to accessory building lot coverage.

It is noted that the circulated notice stated that the proposed relief is for the continued existence of two accessory structures without the principal building for a limited time, however planning staff is clarifying that the proposal includes retaining one accessory building (workshop) on the severed parcel.

Section of the By-law	Requirements	Proposed
1. Section 4.4.2 a. Accessory Buildings and Structures	No accessory buildings or structures are permitted on a lot prior to the erection of the principal building on the lot.	Requesting relief of New Comprehensive Zoning By-law # 23-2018, as amended, from Section 4.4.2 a. to permit the continued existence of one accessory structure on the severed parcel prior to the erection of the principal building for a limited time.

Figure 1: Subject Property

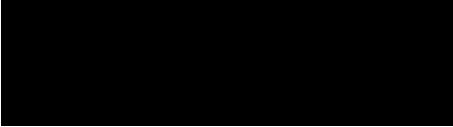


Our discussion of this application relative to the four tests under the Planning Act is as follows:

Four Tests	Discussion
That the requested variance is minor in nature	<ul style="list-style-type: none"> • The relief is requested to allow for the continued existence of an existing accessory building (workshop (220 m²)) on the subject lands without a principal building on the lot. • The applicant has noted that their intent is to construct a new dwelling on the severed parcel and the workshop would be accessory to this new dwelling. Planning staff have proposed a condition that the property owner enter into an agreement and post securities with the Township to ensure that that a principal use is constructed, or if not, that the building can be removed to the satisfaction of the Township. This is the standard requirements of the Township. • There is an existing shed on the severed parcel that is proposed to be removed. This shed is encroaching on the proposed property line between the severed and retained parcel. A condition has been proposed for the shed to be removed.
That the intent and purpose of the Zoning By-law is maintained	<ul style="list-style-type: none"> • The subject lands are zoned Agricultural (A) and contain the Environmental Protection Zone Overlay. • A single detached dwelling and accessory buildings are permitted within the Agricultural (A) Zone. • Section 4.4.2.a. of the By-law requires that no accessory building or structure shall be erected on a lot prior to the erection of the principal building on the lot. The applicant is proposing that the existing workshop remain on the subject lands without a principal building. • The intent of restricting the erection of accessory buildings or structures until the erection of the primary building is to ensure that any accessory buildings or structures are incidental, subordinate to or exclusively devoted to a principal use on the property. These buildings are only permitted within the by-law when accessory to an existing principal use. • It is noted the existing accessory building (workshop) on the subject lands has a lot coverage of 220 m², whereas the current zoning by-law only permits a lot coverage of 200 m² for accessory buildings. Township staff have confirmed a building permit was issued for an accessory/farm building in 2006. Township staff has confirmed that they are satisfied that the accessory building (workshop) is a legal non-complying building or structure. • The accessory building (workshop) meets other requirements for accessory buildings within the Zoning By-law. • Both the proposed severed and retained parcels meet the minimum lot area and frontage requirements of the A Zone.
That the general intent and purpose of the Official Plan is maintained	<ul style="list-style-type: none"> • The subject lands are designated as Secondary Agricultural, Greenlands, and are located within the Paris Galt Moraine Policy Area. • The Greenlands Feature on the subject lands is Significant Woodlands. • Related consent application B127-22 has been conditionally approved by the Wellington County Land Division Committee and was deemed to be consistent with the Official Plan.
That the variance is desirable and appropriate development and use of the land, building or structure	<ul style="list-style-type: none"> • The applicant has indicated that the existing accessory structure (workshop) on the severed lands is meant to serve a new dwelling that will be constructed after the severance application is complete. • Planning Staff are satisfied that the minor variance is desirable, and appropriate for the development and use of the land subject to the proposed conditions.

In conclusion, planning staff is of the opinion that the requested variance application meets **the four tests of the Planning Act** subject to the inclusion of the recommended conditions. We trust that these comments will be of assistance to the Committee in their consideration of this matter. We would appreciate a copy of the Committee's decision with respect to this application.

Respectfully submitted
County of Wellington Planning and Development Department



Joanna Salsberg, B.A., M.PL.
Planner, B.A., M.PL



RECEIVED

MAR 13 2023
Township of Puslinch

Township of Puslinch
7404 Wellington Road 34
Puslinch, ON, N0B 2J0
T: (519) 763 – 1226
F: (519) 763 – 5846
www.puslinch.ca

Minor Variance or Permission Application

General Information:

1. Applicant Information:

Registered Owner's Name(s): Louis Tonin - c/o P. Willis & Lynn Brombal

Address: 900 Watson Road S.

City: Puslinch

Postal Code: N0B 2C0

E-mail Address: [REDACTED]

Telephone Number: [REDACTED]

Fax: N/A

Applicant (Agent) Name(s): Rob Stovel (Stovel and Associates Inc.)

Address: 651 Orangeville Road

City: Fergus

Postal Code: N1M 1T9

E-mail Address: [REDACTED]

Telephone Number: [REDACTED]

Fax: _____

Name, address, and phone number of all persons having any mortgages, charges, or encumbrances on the property.

N/A.

Send correspondence to: Owner: Agent Other: _____

2. Provide a description of the "entire" property:

Municipal address: 900 Watson Road S.

Concession: 10 Lot: Part Lots 8 & 9

Registered Plan Number: N/A

Area: +/- 2.9 ha Depth: +/- 225 m Frontage: +/- 252 m
+/- 7.17 ac +/- 738.19 ft +/- 826.77 ft

Width of road allowance (if known): n/a

Reason for Application:

3. Please indicate the Section of the Planning Act under which this application is being made. Select one:

Section 45(1) relates to a change to a by-law standard (e.g. setbacks, frontage, height, etc.); or

Section 45(2) relates to a change to or expansion of an existing legal non-conforming use.

4. What is the nature and extent of the relief that is being applied for? (please specifically indicate on sketch).

The following variance is being requested:

A) To permit a reduced MDS 1 setback for the establishment of a building envelope on the proposed severed parcel. Notwithstanding any other provision of the Township of Puslinch Comprehensive Zoning Bylaw No. 023-2018, the MDS I setback will not exceed 105m measured from the adjacent structure to the property line.

**5. Why is it not possible to comply with the provisions of the by-law?
(please specifically indicate on sketch).**

A minor variance request is being made for the severed parcel of Severance Application B1-23 (D10-TON). This application has been approved subject to conditions including the requirement of Minimum Distance Separation under Formula 1 are met.

6. What is the current Official Plan and zoning status?

Official Plan Designation: Prime Agricultural and Secondary Agricultural

Zoning Designation: Agricultural

7. What is the access to the subject property?

Provincial Highway:

Continually maintained municipal road:

Seasonally maintained municipal road:

Other: (please specify below)

8. What is the name of the road or street that provides access to the subject property?

Watson Road

9. If access is by water only, please describe the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land to the nearest public road.

N/A.

Existing and Proposed Service:

10. Indicate the applicable water supply and sewage disposal:

Water Supply/Sewage Disposal:	Existing:	Proposed:
Municipal Water:	<input type="checkbox"/>	<input type="checkbox"/>
Communal Water:	<input type="checkbox"/>	<input type="checkbox"/>
Private Well:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other Water Supply:	<input type="checkbox"/>	<input type="checkbox"/>
Municipal Sewers:	<input type="checkbox"/>	<input type="checkbox"/>
Communal Sewers:	<input type="checkbox"/>	<input type="checkbox"/>
Private Septic:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other Sewage Disposal:	<input type="checkbox"/>	<input type="checkbox"/>

11. How is storm drainage provided?

Storm Sewers:

Ditches:

Swales:

Other means: (explain below)

Existing Subject and Abutting Property Land Uses, Buildings and their Locations:

12. What is the existing use of:

The subject property? Residential

The abutting properties? Rural Residential/Agricultural

13. Provide the following details for all buildings on or proposed for the subject land: (please use a separate page if necessary)

Type of Building(s)/ structures	House		Garage	
Main Building height	+/-6.1 m	+/-20ft ft.	m	+/-15 ft.
*Percentage lot coverage	m	less than 1% ft.	0.28% m	less than 1% ft.
*Number of parking spaces	N/A		N/A	
*Number of loading spaces	N/A		N/A	
Number of floors	1		1	
Total floor area	+/- 278.71 m ²	+/-3000 ft ²	+/-56 m ²	+/-602.77 ft ²
Ground floor area (exclude basement)	N/A m ²	n/a ft ²	n/a m ²	N/A ft ²

13 - Continued)

Type of Building(s)/ structures	Building*			
Main Building height	+/- 7.62 m	+/- 25 ft.	m	ft.
*Percentage lot coverage	+/- 0.76% m	ft.	m	ft.
*Number of parking spaces	N/A			
*Number of loading spaces	N/A			
Number of floors	1			
Total floor area	+/- 150 m ²	+/-1614.6 ft ²	m ²	ft ²
Ground floor area (exclude basement)	n/a m ²	n/a ft ²	m ²	ft ²

* denotes: Building to be removed. Demolition permit to be submitted.

14. What is the location of all buildings existing and proposed for the subject property? (specify distances from front, rear and side lot lines)

	House		Garage			
Front Yard	+/-14	m	ft.	+/-20	m	ft.
Rear Yard	+/-15	m	ft.	+/- 57	m	ft.
Side Yards	+26.5	m	ft.	+/-57	m	ft.

	Building*		
Front Yard	+/-18m	m	ft.
Rear Yard	+/-76	m	ft.
Side Yards	+/-76	m	ft.

** Location of building(s) for proposed severed lot have not been determined yet. Building locations will comply with provisions of the Zoning by-law.

15. What are the dates of acquisition and construction of subject property and building property?

Date of acquisition of subject property: unknown

Date of construction of buildings property: Many years ago

16. How long have the existing uses continued on the subject property? Many Years

17. Has the owner previously applied for relief in respect of the subject property?

Yes No

If the answer is yes, please indicate the file number and describe briefly:

N/A.

Other Related Planning Applications:


18. Has an application for any of the following on the subject lands?

Planning Application:	Yes:	No:	File Number:	Approval Authority:	Subject Lands	Purpose:	Status:
Official Plan Amendment	<input type="checkbox"/>	<input type="checkbox"/>					
Zoning By-Law Amendment	<input type="checkbox"/>	<input type="checkbox"/>					
Plan of Subdivision	<input type="checkbox"/>	<input type="checkbox"/>					
Consent (Severance)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	B1-23	County of Wellington	Part Lots 8 & 9, Con 10	Severance	Approved Subject to Conditions
Site Plan	<input type="checkbox"/>	<input type="checkbox"/>					
Minor Variance	<input type="checkbox"/>	<input type="checkbox"/>					

Authorization for Agent/Solicitor to act for Owner:

(If affidavit is signed by an Agent/Solicitor on Owner's behalf, the Owner's written authorization below shall be completed)

I (we) Pam Willis and Lynn Brombal of the
Township of Poslineh County/Region of
Wellington do hereby authorize
Robert Stovel to act as my agent in this application.

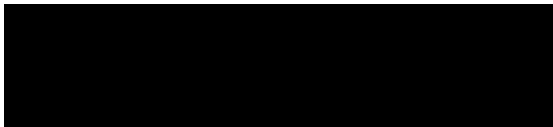

Signature of Owner(s)

MARCH 11TH 2023
Date

Affidavit:

I (we) **Robert Stovel** of the
Township of Centre Wellington County/Region of
County of Wellington solemnly declare that all the statements

contained in this application are true, and I, (we), make this solemn declaration
conscientiously believing it to be true, and knowing that it is of the same force and effect
as if made under oath and by virtue of the CANADA EVIDENCE ACT. DECLARED
before me at the Township of Centre Wellington in the
County/Region of Wellington this 13th day of
March, 2023.


Signature of Owner or authorized
solicitor or agent

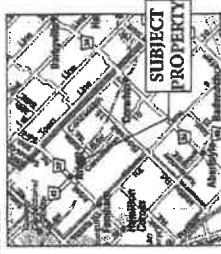
March 13/2023
Date


Signature of Commissioner

March 13, 2023
Date

**SEVERANCE SKETCH
PART OF LOTS 8 & 9, CONCESSION 10
TOWNSHIP OF PUSLINC
COUNTY OF WELLINGTON**

SCALE 1 : 1500
VAN HARTEN SURVEYING INC.
KEYMAP



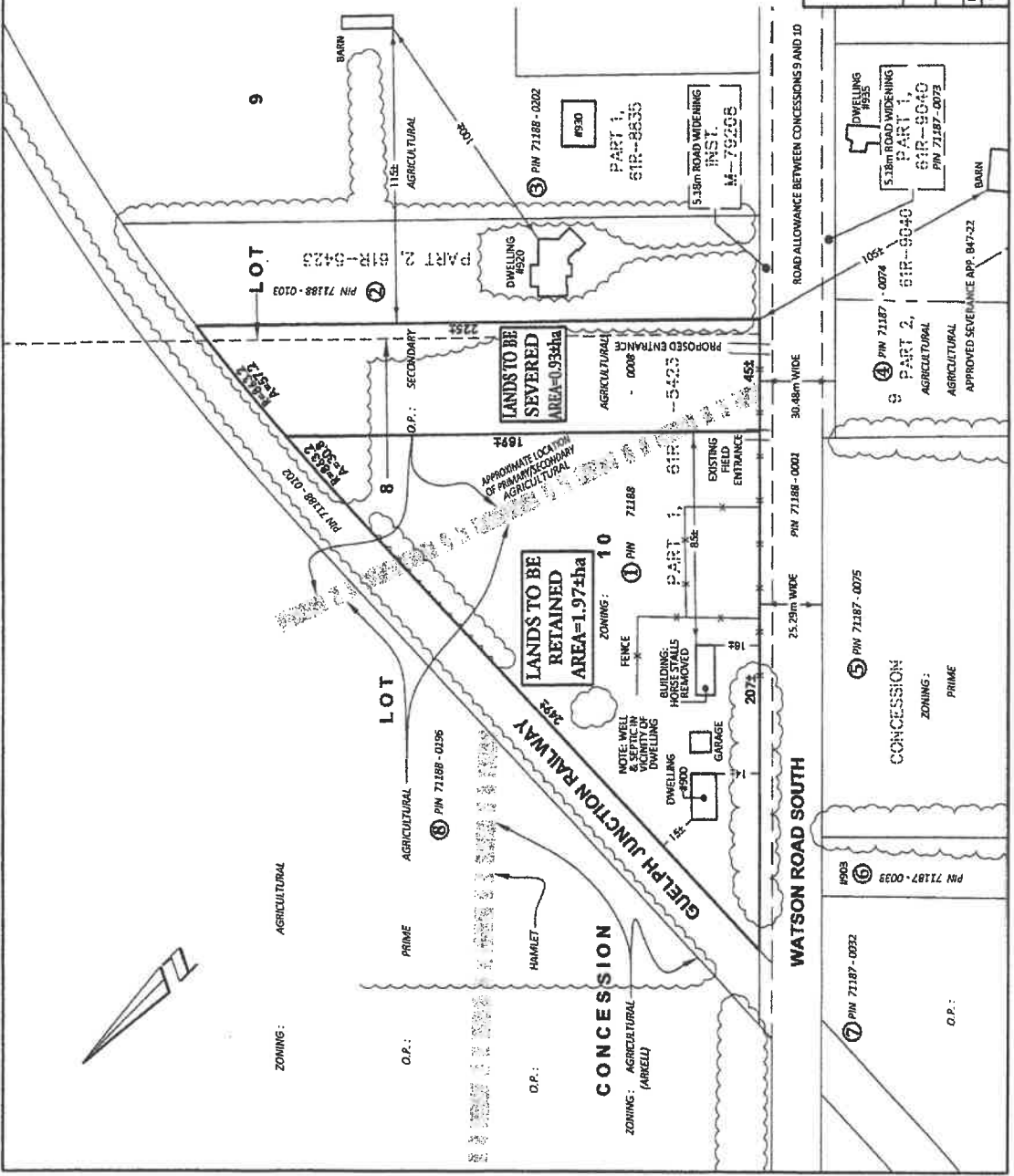
- NOTES:**
1. THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.
 2. SUBJECT LANDS ARE ZONED AGRICULTURAL.
 3. SUBJECT LANDS HAVE AN OFFICIAL PLAN DESIGNATION OF PRIME AGRICULTURAL & SECONDARY AGRICULTURAL.
 4. DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
 5. DIMENSIONS ON THIS SKETCH ARE APPROXIMATE AND HAVE NOT BEEN VERIFIED BY SURVEY.
 6. SEE ATTACHED LIST OF NAMES AND ADDRESSES OF OWNERS.
 7. T.B.R. DENOTES TO BE REMOVED.

THIS SKETCH WAS PREPARED
ON THE 10TH DAY OF JANUARY 2023
UPDATED FEBRUARY 24TH, 2023

Van Harten
SURVEYING INC.
LAND SURVEYORS and ENGINEERS

Rochester, Quebec
Ph: 519-742-8371 Ph: 519-821-2763 Orangeville Ph: 519-940-1110
www.vanharten.com info@vanharten.com

DRAWN BY: AIN CHECKED BY: JEB PROJECT No. 32046-22
Feb 24, 2023 12:32:57 PM
G:\PUSLINC\CONCESSION 10\SUBDIV (LOT 8 & 9) (TOWNSHIP) (UTM).DWG



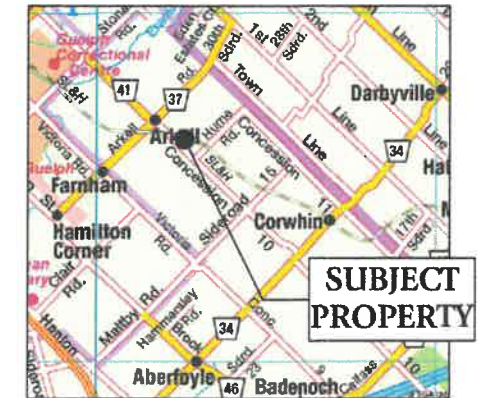
**SEVERANCE SKETCH
PART OF LOTS 8 & 9, CONCESSION 10
TOWNSHIP OF PUSLINCH
COUNTY OF WELLINGTON**

SCALE 1 : 1500



VAN HARTEN SURVEYING INC.

KEYMAP



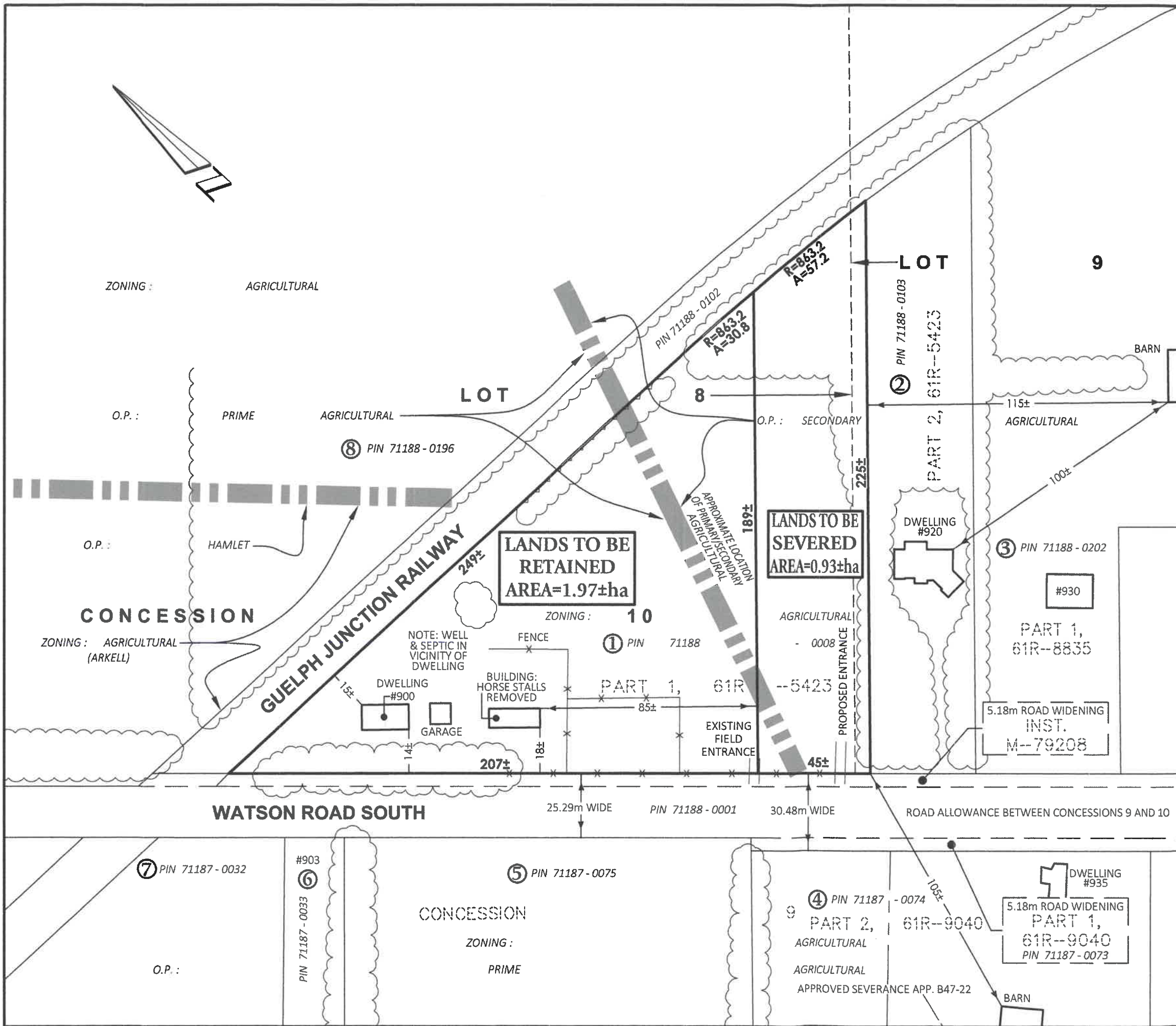
NOTES:

1. THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.
2. SUBJECT LANDS ARE ZONED AGRICULTURAL.
3. SUBJECT LANDS HAVE AN OFFICIAL PLAN DESIGNATION OF PRIME AGRICULTURAL & SECONDARY AGRICULTURAL.
4. DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
5. DIMENSIONS ON THIS SKETCH ARE APPROXIMATE AND HAVE NOT BEEN VERIFIED BY SURVEY.
6. SEE ATTACHED LIST OF NAMES AND ADDRESSES OF OWNERS.
7. T.B.R. DENOTES TO BE REMOVED.

THIS SKETCH WAS PREPARED
ON THE 4th DAY OF JANUARY 2023
UPDATED FEBRUARY 24th, 2023



JEFFREY E. BUISMAN
ONTARIO LAND SURVEYOR



Van Harten
SURVEYING INC.
LAND SURVEYORS and ENGINEERS

Kitchener Ph: 519-742-8371	Guelph Ph: 519-821-2763	Orangeville Ph: 519-940-4110
www.vanharten.com		info@vanharten.com
DRAWN BY: ARN	CHECKED BY: JEB	PROJECT No. 32046-22
Feb 24, 2023-12:13:14 PM		
G:\PUSLINCH\Con10\Lot 8\acad\SEV LOT 8,9 (TONIN) UTM.dwg		

Hillary Miller

From: Andrew Hartholt
Sent: Friday, March 24, 2023 11:16 AM
To: Hillary Miller
Subject: RE: Minor Variance Notice of Public Hearing - D13/TON - 900 Watson Rd S

Hillary,

I have no concerns from a Building Code perspective for the reduction in MDS setback for the "D13/TON - 900 Watson Rd" severance application.



Andrew Hartholt, CBCO/CRBO
Chief Building Official
Township of Puslinch
7404 Wellington Rd. 34, Puslinch, ON N0B 2J0
P: 519-763-1226 ext. 229/Fax: 519-763-5846 www.puslinch.ca

My work hours may not match yours, and I do not expect you to respond outside your working hours

From: Hillary Miller <hmill@puslinch.ca>
Sent: Thursday, March 23, 2023 10:17 AM
To: Brent Smith <bsmith@puslinch.ca>; Mike Fowler <mfowler@puslinch.ca>; Services <services@puslinch.ca>; Andrew Hartholt <ahartholt@puslinch.ca>; Jacob Normore <jnormore@puslinch.ca>
Subject: Minor Variance Notice of Public Hearing - D13/TON - 900 Watson Rd S

Good morning,

Attached please find the Notice of Public Hearing with respect to the above property for your review and comment. Please provide any comments you might have by March 31, 2023.

Kind regards,



Hillary Miller
Legislative Assistant
Township of Puslinch
7404 Wellington Rd. 34, Puslinch, ON N0B 2J0
P: 519-763-1226 x207/Fax: 519-763-5846 www.puslinch.ca

Hillary Miller

From: Brent Smith
Sent: Thursday, March 30, 2023 10:13 AM
To: Hillary Miller
Cc: Tom Mulvey
Subject: RE: Minor Variance Notice of Public Hearing - D13/TON - 900 Watson Rd S

Hi Hillary,
Puslinch Fire and Rescue Services reviewed the above referenced minor variance proposal and we have no concerns.
Thanks
Brent Smith
CFPO
Puslinch Fire and Rescue Services

From: Hillary Miller <hmiller@puslinch.ca>
Sent: Thursday, March 23, 2023 10:17 AM
To: Brent Smith <bsmith@puslinch.ca>; Mike Fowler <mfowler@puslinch.ca>; Services <services@puslinch.ca>; Andrew Hartholt <ahartholt@puslinch.ca>; Jacob Normore <jnormore@puslinch.ca>
Subject: Minor Variance Notice of Public Hearing - D13/TON - 900 Watson Rd S

Good morning,

Attached please find the Notice of Public Hearing with respect to the above property for your review and comment.
Please provide any comments you might have by March 31, 2023.

Kind regards,



Hillary Miller
Legislative Assistant
Township of Puslinch
7404 Wellington Rd. 34, Puslinch, ON N0B 2J0
P: 519-763-1226 x207/Fax: 519-763-5846 www.puslinch.ca

Hillary Miller

From: Source Water <sourcewater@centrewellington.ca>
Sent: Tuesday, March 28, 2023 11:52 AM
To: Hillary Miller
Cc: Source Water
Subject: RE: Minor Variance Notice of Public Hearing - D13/TON - 900 Watson Rd S
Attachments: WHPA_Map_WatsonS_900.pdf

Hi Hillary,

Thank you for providing the above referenced application for review. Since this property is located in a vulnerable area (wellhead protection area, issues contributing area, intake protection zone etc.), but the activity(ies), as indicated, would not create a significant drinking water threat, the application can be screened out and it does not require a Section 59 notice under the *Clean Water Act*.

I have attached a map showing the property and Wellhead Protection Areas for your reference.

If you have any further questions regarding this application, or in the event of any technical problem with the email or attachments, please contact me.

Kind regards,
Danielle

Danielle Walker (she/ her) | Source Protection Coordinator

Wellington Source Water Protection | 1 MacDonald Square, Elora, ON, N0B 1S0
519.846.9691 x236 | DWalker@centrewellington.ca | www.wellingtonwater.ca
Toll free: 1-844-383-9800

Wellington Source Water Protection is a municipal partnership between the Townships of Centre Wellington, Guelph / Eramosa, Mapleton, Puslinch, Wellington North, the Towns of Erin and Minto and the County of Wellington created to protect existing and future sources of drinking water.

From: Hillary Miller <hmiller@puslinch.ca>
Sent: March 23, 2023 10:16 AM
To: Source Water <sourcewater@centrewellington.ca>
Subject: Minor Variance Notice of Public Hearing - D13/TON - 900 Watson Rd S

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Attached please find the Notice of Public Hearing with respect to the above property for your review and comment. Please provide any comments you might have by March 31, 2023.

Kind regards,

Hillary Miller

From: Les Petroczi <Les.Petroczi@guelph.ca>
Sent: Tuesday, March 28, 2023 12:16 PM
To: Planning
Subject: FW: File No. B1-23 900 Watson Rd South
Attachments: 2022 Summary of Construction Standards.docx; Guidelines For New Development In Proximity To Railway Operations 2013.pdf

Good morning

Please see GJRL comments below.

- Drainage to concrete railway culvert must remain open
- Warning clause for potential owner regarding railway operations / no whistle cessation in place / operations are 24HRS per day/ operations may be on weekends / maintenance and capital projects may occur in early morning hours pending freight train schedules / No Trespassing on railway properties
- No planting of trees within 25 feet of the GJR property line
- Please see attached 2013 development standards / New Standards are expected in 2023.

Thank you

Les Petroczi, General Manager

Guelph Junction Railway, **Infrastructure, Development and Enterprise**

City of Guelph

1 Carden St. Guelph, ON., N1H3A1

T 519-822-1260 x 2825 | M 519-766-7121

E les.petroczi@guelph.ca

From: Les Petroczi
Sent: Tuesday, January 17, 2023 11:06 AM
To: landdivisioninfo@wellington.ca
Subject: File No. B1-23 900 Watson Rd South

Good morning

Please see GJRL comments below.

- Drainage to concrete railway culvert must remain open
- Warning clause for potential owner regarding railway operations / no whistle cessation in place / operations are 24HRS per day/ operations may be on weekends /

maintenance and capital projects may occur in early morning hours pending freight train schedules / No Trespassing on railway properties

- No planting of trees within 25 feet of the GJR property line
- Please see attached 2013 development standards / New Standards are expected in 2023.

Thank you

Les Petroczi, General Manager

Guelph Junction Railway, **Infrastructure, Development and Enterprise**

City of Guelph

1 Carden St. Guelph, ON., N1H3A1

T 519-822-1260 x 2825 | M 519-766-7121

E les.petroczi@guelph.ca



This e-mail message (including attachments, if any) is intended for the use of the individual to whom it is addressed and may contain information that is privileged and confidential. If you are not the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender and erase this e-mail message immediately.

Summary of Standards Regarding Development Adjacent to the Guelph Junction Railway Right of Way

Minimum Standards for Main Line Trackage Updated August 1, 2022 Track Designation - Principal Branch Line

- Less than 5 trains daily – Hours of operation vary pending freight volumes and planned capital track projects. Track work may be planned during night shifts to avoid train schedules. (10 MPH) Class I within Guelph City Limits – (25 MPH) Class II York Rd to Campbellville / Milton
- Light or moderate weight usually with 2 or 3 locomotives but can include heavier units and up to 25 loaded cars per day

Noise Study

- Required within 150m of railway right of way main track or 1000m for railway yards, residential, institutional, commercial and office use. Does not apply to unoccupied buildings, manufacturing, sports fields and city parks.
- Ministry of Environment indoor sound level criteria to apply.

Vibration Study

- Required within 75m of railway right of way for residential, institutional, commercial and office use. Does not apply to unoccupied buildings, manufacturing, sports fields and city parks.
- Canadian National Railway vibration standards to be used.

Minimum Setback

- 15m for residential, institutional, commercial and office use.

Warning Clause Registered on Title

- Required for all development.

Safety Berm

- Required with a minimum height of 2m for all use except unoccupied buildings and manufacturing.

Site Specific Risk Assessment

- A site specific risk assessment may be undertaken by the proponent. This assessment may make recommendations for development using modified standards.
- Such acceptance will be the sole prerogative of the Guelph Junction Railway.

Acoustical Fence

- May be required to meet airborne noise standards.
- Canadian Pacific Railway and Canada Mortgage and Housing construction standards to be used.

Fencing

- Required for all residential, institutional, commercial, office and outdoor play areas.
- Minimum standards to be most recent Transport Canada rail safety directives.

Industrial Park Trackage

- All above standards shall apply for any use other than manufacturing

Landscaping/Planting

- No trees to be planted within 25 feet of property line unless approved by GJR General Manager
- Landscaping to be kept to a minimum mature height of 1.2 meters and not to cross onto adjoining property at full maturity

GUIDELINES

for New Development in
Proximity to Railway Operations

PREPARED FOR
THE FEDERATION OF CANADIAN MUNICIPALITIES
AND THE RAILWAY ASSOCIATION OF CANADA

May 2013



Guidelines for New Development in Proximity to Railway Operations

May 2013

These guidelines were developed through the collaboration of the Railway Association of Canada and the Federation of Canadian Municipalities, who work together through the FCM/RAC Proximity Initiative. For further information, please visit our joint website at www.proximityissues.ca, or contact:

The Railway Association of Canada

99 Bank Street, Suite 901
Ottawa, Ontario K1P 6B9

Tel : (613) 567-8591

Fax : (613) 567-6726

Federation of Canadian Municipalities

24 Clarence Street
Ottawa, Ontario K1N 5P3

Tel : (613) 241-5221

Fax : (613) 241-7440

COVER PHOTOS COURTESY OF THE RAILWAY ASSOCIATION OF CANADA

FCM/RAC Proximity Initiative

May, 2013

We are very pleased to present the new *Guidelines for New Development in Proximity to Railway Operations*.

These new guidelines are intended to replace and build on the FCM/RAC Proximity Guidelines and Best Practices Report, which was originally prepared and published in 2004 and reprinted in 2007. Since that time, there have been significant changes in both federal legislation and some provincial land use acts. The original guidelines have been reviewed, edited, and updated with the help and participation of stakeholders from railways, municipalities, and government to reflect the new legislative framework as well as to add a new section of guidelines and best practices that can be applied when converting industrial/commercial property into residential use when in proximity to railway operations.

The *Guidelines for New Development in Proximity to Railway Operations* is intended for use by municipalities and provincial governments, municipal staff, railways, developers, and property owners when developing lands in proximity to railway operations. They are meant to assist municipal governments and railways in reviewing and determining general planning policies when developing on lands in proximity to railway facilities, as well to establish a process for making site specific recommendations and decisions to reduce land-use incompatibilities for developments in proximity to railway operations. A key component is a model review process for new residential development, infill, and conversions in proximity to railways.

The guiding philosophy of this document is that, by building better today, we can avoid conflicts in the future.

Sincere Regards,



Sean Finn

FCM-RAC Proximity Co-Chair
Executive VP Corporate Services
and Chief Legal Officer, CN



Doug Reycraft

FCM-RAC Proximity Co-Chair
Mayor, Southwest Middlesex, ON

ACKNOWLEDGMENTS//

These guidelines and best practices were developed by the FCM/RAC Proximity Initiative with the help and participation of stakeholders from government, freight, passenger, and commuter railway operators, municipal councillors and mayors, municipal urban planners, the Federation of Canadian Municipalities and the Railway Association of Canada.

I would like to especially acknowledge the members of the Guidelines Working Group who gave their time, expertise, and insight in vetting the research, developing the format, and editing the product from start to finish.

Adam Snow (Chair)	Third Party Projects Officer - GO Transit
Nick Coleman	Manager, Community Planning & Development, CN
Orest Rojik	Right-of-Way Representative, CPR
Giulio Cescato	Planner, City of Toronto

And also Daniel Fusca of DIALOG who worked with the team.

The project was initiated and approved through the Steering Committee of the FCM/RAC Proximity Initiative:

Doug Reyecraft - FCM Co-chair, Mayor, Southwest Middlesex, Ontario	Frank Butzelaar - President & CEO, Southern Railway BC Ltd.
Sean Finn - RAC Co-chair, Executive VP & Chief Legal Officer, CN	Louis Machado - Vice-président adjoint Exploitation, AMT
Mike Lowenger - VP, Operations & Regulatory Affairs, RAC	Randy Marsh - Director, Government & Public Affairs, CP
Daniel Rubinstein - Research Officer, FCM	Adam Snow - Third Party Projects Officer - GO Transit
John Corey - Manager, Rail Investigations, CTA	Heath Slee - Director, East Kootenay RD
Jim Feeny - Director, Regional Public & Govt. Affairs, CN	Ranjan Kelly - Project Manager, Data Bases & Websites, RAC
Cynthia Lulham - Project Manager, FCM/RAC Proximity Initiative	Lynda Macleod - Manager, Legislative Affairs, CN
Cameron Stolz - City Councillor, Prince George, BC	Paul Goyette - Director, Communications & Public Affairs, RAC
Steve Gallagher - Manager, Ontario Rail Operations, Cando Rail	Malcolm Andrews - Senior Manager, Corporate Communications, VIA
Pauline Quinlan - Mairesse, Ville de Bromont, QC	Mee Lan Wong - Policy Advisor, Transport Canada
Gary Price - City Councillor, Cambridge, ON	Nick Coleman - Manager, Community Planning & Development, CN

We gratefully acknowledge their valued input and support.



Cynthia Lulham
Project Manager, FCM/RAC Proximity Initiative

CONTENTS//

ACKNOWLEDGEMENTS	v
EXECUTIVE SUMMARY	1
1.0 // INTRODUCTION	3
1.1 // Purpose of the Report	8
1.2 // Sources	8
1.3 // Intended Audience	9
1.4 // Understanding Stakeholder Roles	9
2.0 // COMMON ISSUES AND CONSTRAINTS	13
2.1 Safety	18
2.2 Noise and Vibration	19
2.3 Standard Mitigation	19
2.4 Challenges Associated With New Residential Development	20
3.0 // GUIDELINES	23
3.1 Principles for Mitigation Design	26
3.2 Consultation with the Railway	26
3.3 Building Setbacks	27
3.4 Noise Mitigation	28
3.5 Vibration Mitigation	33
3.6 Safety Barriers	36
3.7 Security Fencing	41
3.8 Stormwater Management and Drainage	42
3.9 Warning Clauses and Other Legal Agreements	42
3.10 Construction Issues	45

4.0 // IMPLEMENTATION	47
4.1 // Implementation Mechanisms	50
4.1.1 // Model Review Process For New Residential Development, Infill & Conversions In Proximity to Railway Corridors	50
4.1.2 // Mitigation Infrastructure Maintenance Strategy	52
4.2 // Advancing Stakeholder Roles	52
4.3 // Dispute Resolution	57
5.0 // CONCLUSION	65
A // APPENDICES	71
APPENDIX A // Development Viability Assessment	72
APPENDIX B // Sample Rail Classification System	76
APPENDIX C // Noise & Vibration Procedures & Criteria	78
APPENDIX D // New Rail Facilities & Significant Rail Expansions in Proximity to Residential or Other Sensitive Uses	92
APPENDIX E // Best Practices	94
APPENDIX F // Glossary	104
APPENDIX G // Links & Other Resources	106
APPENDIX H // List of Stakeholders Consulted	108
APPENDIX I // References	110

As cities in Canada continue to urbanize, and as they place a greater emphasis on curbing urban sprawl, demand for new forms of infill development is growing, including on sites in proximity to railway corridors.

In particular, commercial and industrial properties in proximity to railway operations, and in some cases the buildings situated on those properties, are increasingly being converted to residential uses. At the same time, both the passenger and freight operations of railways are growing steadily, leading to an increasing potential for conflicts between rail operations and adjacent land uses.

Areas in proximity to railway operations are challenging settings for new development, and in particular, for residential development. It is often difficult to reconcile the expectation and concerns of residents with railway operations. For this reason, developments must be carefully planned so as not to unduly expose residents to railway activities as well as not to interfere with the continued operation of the corridor itself, or the potential for future expansion, as railways play an important economic role in society that must be safeguarded.

This report strongly recommends that municipalities should take a proactive approach to identifying and planning for potential conflicts between rail operations and new developments in proximity to railway corridors. Prior to the receipt of an application for a specific project, the municipality should have already have identified key sites for potential redevelopment, conversion, or future rail crossings, and will have generated site-specific policies to manage such future change.

To further assist municipalities and other stakeholders, this report provides a comprehensive set of guidelines for use when developing on lands in proximity to railway operations. The intent of the guidelines is to:

- promote awareness around the issues (noise, vibration, safety) and mitigation measures associated with development near railway operations, particularly those associated with residential development;
- promote greater consistency in the application of relevant standards across the country;

- establish an effective approvals process for new residential development, infill, and conversions from industrial/commercial uses that allows municipal planners to effectively evaluate such proposals with an eye to ensuring that appropriate sound, vibration, and safety mitigation is secured; and
- enhance the quality of living environments in close proximity to railway operations.

The report builds on the 2004 FCM/RAC Proximity Guidelines and is intended for use by municipalities and provincial governments, municipal staff, railways, developers, and property owners when new developments in proximity to railway operations are proposed. Information has been assembled through a comprehensive literature/best practices review from national and international sources as well as a consultation process involving planners, architects, developers, and other professionals from across Canada, the USA, and Australia, as well as members of RAC and FCM.

In addition to the detailed guidelines, the report offers a set of implementation tools and recommendations that are meant to establish a clear framework for the dissemination, promotion, and adoption of the guidelines; as well as suggested improvements to the development approval process. A key recommendation is for a new development assessment tool, called a Development Viability Assessment, which will allow municipal planners to better evaluate proposals for residential development in areas where standard mitigation cannot be accommodated due to site constraints.





INTRODUCTION

- 1.1 Purpose of the Report
- 1.2 Sources
- 1.3 Intended Audience
- 1.4 Understanding Stakeholder Roles

1.0 // INTRODUCTION

Cities are the economic engines of Canada, and our quality of life and economic competitiveness depend on strong municipalities and sustainable municipal growth and development.

Equally important to the economy of Canada, railways ensure the efficient movement of goods and people. In so doing, railways make a vital contribution to the Canadian economy and to the success of Canadian communities. As cities across Canada begin to realize the benefits of curbing urban sprawl, and as consumer demand for more housing in urban centres grows, the push to intensify existing built-up areas, including sites in proximity to railway operations, has grown steadily stronger. At the same time, increased demand for rail service, the high cost of transport fuel, and new sustainability objectives have added new pressure to the railway industry, which is expanding rapidly. When issues related to proximity to railway operations are not properly understood and addressed, the resulting problems can often be intractable and long lasting.

Rail/municipal proximity issues typically occur in three principle situations: land development near rail operations; new or expanded rail facilities; and road/rail crossings. The nature and integrity of railway corridors and yards need to be respected and protected. In addition to noise and vibration, safety, trespass, drainage, and/or blocked crossings are other inherent issues generated when both communities and railways grow in proximity to one another. The lack of a comprehensive set of proximity management guidelines, applied consistently across municipal jurisdictions, has greatly amplified these proximity issues in recent years, resulting in some cases in (real and perceived) social, health, economic, and safety issues for people, municipalities, and railways.

In 2003, the FCM and RAC began an important partnership to develop common approaches to the prevention and resolution of issues arising from development occurring in close proximity to railway corridors and other rail operations. Under a Memorandum of Understanding (MOU) agreed to by both parties, a Community-Rail Proximity Initiative was established and a Steering Committee was formed with a mandate to develop and implement a strategy to reduce misunderstanding and avoid unnecessary conflicts arising from railway-community proximity. The result was a framework for a proximity initiative, with the following areas requiring action:

- develop commonly understood proximity guidelines;
- improve awareness among all stakeholders regarding the need for effective planning and management; and
- develop dispute resolution protocols to guide concerned parties when issues emerge.

In 2004 the FCM and RAC Proximity Initiative published

a report identifying best practices and guidelines for new developments in proximity to railway operations (reprinted 2007). This document is intended to update and replace that original document, and includes additional best practices and guidelines dealing specifically with residential conversion or infill projects on former industrial or commercial lands. The intent of this report is to provide municipalities with the necessary tools to facilitate decision-making, and to provide a framework for ensuring that new development in proximity to railway corridors is suitably configured to address the various risks and constraints present in railway environments.

Additionally, this report is intended to address the variable nature in the delivery of mitigative measures for new developments in proximity to railway operations across Canadian jurisdictions. A site-specific process is identified whereby the specific site conditions related to a proposed development can be assessed by municipalities in order to determine the mitigation measures most appropriate for that site, especially in locations where standard mitigation cannot be accommodated in a reasonable manner. Additionally, when a development application involves a residential component, the process will help municipalities to decide whether the site is appropriate for such a use. When it comes to safety, all parties must be aware that there are inherent safety implications associated with new developments in proximity to a railway line, and that these implications can often be mitigated, but typically not entirely eliminated. The goal is to establish a common, standardized process, whereby potential impacts to safety in the context of development applications in proximity to rail corridors can be assessed.

Finally, it is desirable for municipalities to take a proactive approach to identifying and planning for potential rail-oriented conflicts prior to the receipt of an application



PHOTO SOURCE: RAILWAY ASSOCIATION OF CANADA

for a specific project. In the context of creating municipal and secondary plans, it behooves planners to identify key sites for potential redevelopment, conversion, or future rail crossings, and to generate site-specific policies to manage this future change.

1.1 // PURPOSE OF THE REPORT

The main objective of this report is to provide a set of guidelines that can be applied to mitigate the impacts of locating new development in proximity to railway operations. It is important to note that these guidelines are not intended to be applied to existing locations where proximity issues already exist, as these locations present their own unique challenges which must be addressed on site specific basis.

The report will:

- provide a framework to better facilitate municipal and railway growth;
- develop awareness around the issues associated with new development along railway corridors, including residential conversion or infill projects, particularly in terms of noise, vibration, and safety;
- provide model development guidelines, policies, and regulations, and illustrate best practices for use and adaptation as appropriate by all stakeholders, most particularly railways, municipalities, and land developers;
- establish a mechanism that allows municipal planners to effectively evaluate the appropriateness of an application to convert industrial or commercial lands in proximity to railway corridors to residential uses, and of other residential infill projects near railway corridors;
- establish a balance between the railway operational

needs and the desire of municipalities to facilitate residential and other intensification in existing built-up areas;

- inform and influence railway and municipal planning practices and procedures through the provision of guidelines that ensure planning systems and development approval processes more effectively anticipate and manage proximity conflicts;
- promote greater consistency in the application of guidelines across the country;
- identify strategies to enhance the quality of living environments while reducing incompatibility; and
- inform and influence federal and provincial governments with respect to the development and implementation of applicable policies, guidelines, and regulations.

1.2 // SOURCES

The information in this report has been derived from two primary sources:

- a thorough review of academic literature as well as municipal, state, provincial, and federal policy documents from Canada, the USA, and Australia; and
- extensive stakeholder interviews with municipal planners, railways, provincial and state bureaucrats, developers, and professionals with expertise in a variety of fields including property law, noise and vibration mitigation, and crash wall and berm construction.

A full list of references is provided at the end of this report (**Appendix I**), in addition to a list of organizations consulted as part of the stakeholder interview process (**Appendix H**).

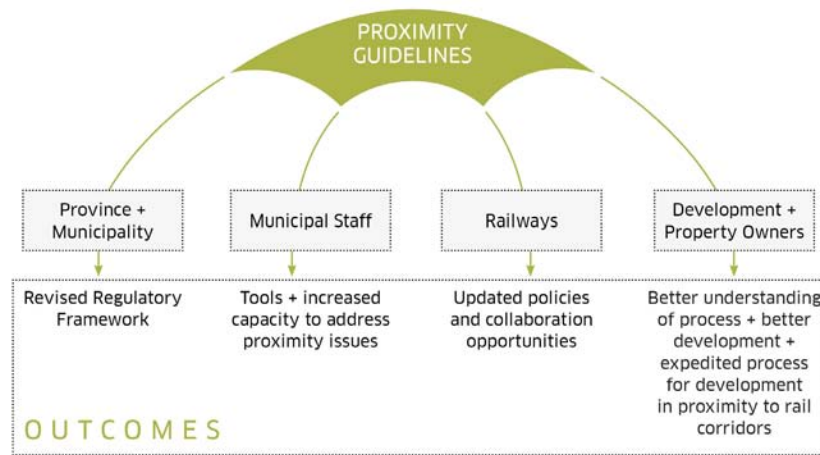


FIGURE 1 // OUTCOMES OF THE GUIDELINES FOR VARIOUS STAKEHOLDER GROUPS.

1.3 // INTENDED AUDIENCE

This report is intended to be used by:

- **Municipalities and Provincial Governments**, to create or update their policies, regulations, and standards related to new development along railway corridors, in order to create more consistency across the country.
- **Municipal staff**, as a tool to better understand the safety, vibration, noise, and other issues related to new development along railway corridors, and to more effectively evaluate and provide feedback on development proposals, particularly when they involve a residential component.
- **Railways**, to update their internal policies regarding development in proximity to railway corridors, particularly residential infill development and conversions, and to provide opportunities for collaboration with stakeholders.
- **Developers and property owners**, of sites in proximity to railway corridors to better understand the development approval process and the types of mitigation measures that might be required.

1.4 // UNDERSTANDING STAKEHOLDER ROLES

The research associated with this report has revealed the complexity of interaction between public and private agencies and individuals. It further indicated that a lack of understanding of roles and responsibilities has contributed to the problems identified. This section provides a brief overview of these roles. Recommendations for how each stakeholder can assist in the advancement of the goal of reducing proximity issues are found in **Section 4.2 Advancing Stakeholder Roles**.

1.4.1 Federal

The federal government regulates the activities of CN, CPR, and VIA Rail Canada, and some short line railways that operate interprovincially or internationally. These federal railways are regulated by such legislation as the *Railway Safety Act* (RSA), and the *Canada Transportation Act* (CTA). Applicable legislation, regulations, and guidelines are available from the respective websites.

1.4.2 Provincial

Provinces provide the land use regulatory framework for municipalities through Planning Acts, Provincial Policy Statements or Statements of Provincial Interest, Environmental Assessment Acts, and air quality and noise guidelines (such as the Ontario Ministry of the Environment Noise Assessment in Land Use Planning documents). This legislation generally provides direction on ensuring efficient and appropriate land use allocation and on tying land use planning to sound transportation and planning principles. Generally, provinces also have jurisdiction to establish land use tribunals to adjudicate disputes, although the approach taken by provinces with respect to establishing and empowering such tribunals varies across the country. Additionally, some provinces regulate shortline railways.

1.4.3 Municipal

Municipalities are responsible for ensuring efficient and effective land use and transportation planning within their territory, including consultation with neighbouring property owners (such as railways), in carrying out their planning responsibilities. Municipal planning instruments include various community-wide and area plans, Zoning By-law/ Ordinances, Development Guidelines, Transportation Plans, Conditions of Development Approval, and Development

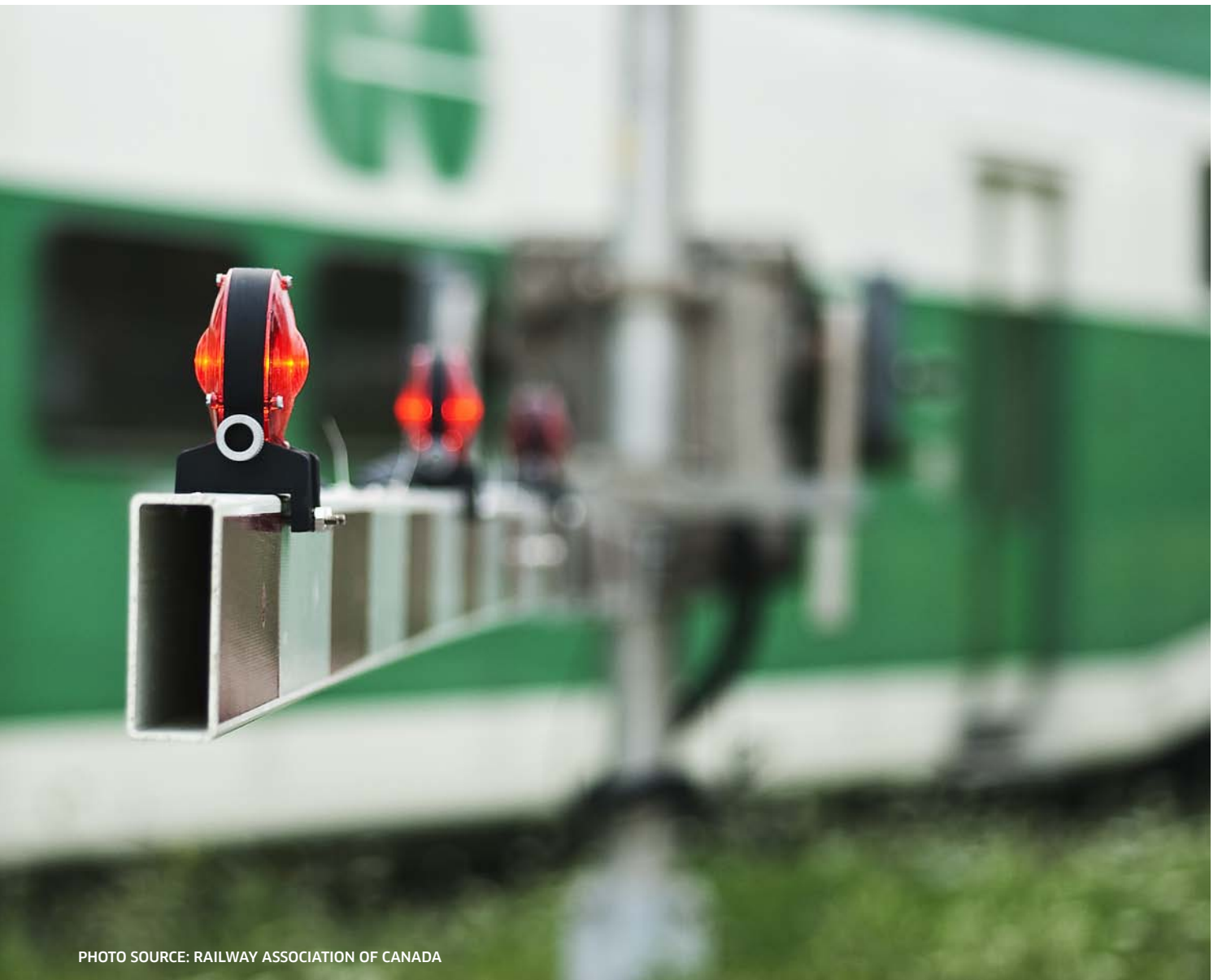


PHOTO SOURCE: RAILWAY ASSOCIATION OF CANADA

Agreements to secure developer obligations and requirements. Municipal governments have a role to play in proximity issues management by ensuring responsible land use planning policies, guidelines, and regulatory frameworks, as well as by providing a development approvals process that reduces the potential for future conflicts between land uses.

1.4.4 Railway

Federally regulated railways are governed, in part, by the requirements of the *Canada Transportation Act* (CTA). Under the CTA, railways are required to obtain an approval from the Canadian Transportation Agency for certain new railway construction projects. Through this process, railways must give notification and consult with interested parties. For existing railway operations, the CTA requires that railways make only such noise and vibration as is reasonable, taking into consideration their operational requirements and the need for the railway to meet its obligation to move passengers and the goods entrusted to it for carriage. Additionally, federal railways are required to adhere to the requirements of the *Railway Safety Act* (RSA), which promotes public safety and the protection of property and the environment in the operation of a railway. Railways also typically establish formal company environmental management policies and participate in voluntary programs and multi-party initiatives such as Direction 2006, Operation Lifesaver, TransCAER, and Responsible Care®.

Both CN and CPR, as well as VIA Rail Canada, and many short line railways across the country, have established guidelines for new development in proximity to their railway corridors, and they have a significant role to play in providing knowledge and expertise to municipal and provincial authorities, as well as developers and property owners.

1.4.5 Land Developer / Property Owner

Land developers are responsible for respecting land use development policies and regulations to achieve development that considers and respects the needs of surrounding existing and future land uses. As initiators of urban developments, they also have the responsibility to ensure that development projects are adequately integrated in existing environment.

1.4.6 Real Estate Sales / Marketing and Transfer Agents

Real estate sales people and property transfer agents (notaries and lawyers) are often the first and only contacts for people purchasing property, and therefore have a professional obligation to seek out and provide accurate information to buyers and sellers.

1.4.7 Academia and Specialized Training Programs

Academic institutions provide training in all fields related to land use planning, development, and railway engineering.

1.4.8 Industry Associations

Industry associations include bodies such as the RAC, FCM, Canadian Association of Municipal Administrators (CAMA), Canadian Institute of Planners (CIP), provincial planning associations, the Canadian Acoustical Association (CAA), and land development groups such as the Urban Development Institute.





2



COMMON ISSUES AND CONSTRAINTS

- 2.1 Safety
- 2.2 Noise and Vibration
- 2.3 Standard Mitigation
- 2.4 Challenges Associated with New Residential Development

2.0 // COMMON ISSUES AND CONSTRAINTS

The practice of developing land in close proximity to rail operations, as well as the expansion of rail operations in urban areas, have generated a variety of opportunities...

...as well as challenges for municipalities, developers, and railways, who must work together to balance a variety of sometimes competing goals and aspirations, including:

- the desire to promote excellence in urban design;
- the need, in some cases, to preserve employment lands and protect them from encroaching residential development;
- the growing demand for infill development that promotes the principles of sustainability and smart growth;
- the need to provide sufficient noise and vibration mitigation and safety measures;
- the desire of developers for consistency and clarity in the development process;
- the desire of developers and municipalities to see an improved and streamlined development review process for residential projects in proximity to railway corridors; and
- the necessity of recognizing the significant economic contributions of the railways, and of ensuring their continued ability to provide their services unimpeded.

In addition, it is important to recognize that areas in proximity to railway operations are challenging settings for new development, and in particular, residential development. Railway operations can generate concerns, such as blocked crossings, dangers to trespassers, as well as impacts on the quality of life of nearby residents due to the effects of inherent noise, vibration, and railway incidents. Conversely, developments must be carefully planned so as not to interfere with the continued operation of railway activities, or the potential for future expansion, as railways play an important economic role in society that must be safeguarded.

The most significant constraints related to railway

proximity can be broadly categorized as follows:

1. **Inadequate communication** - both formal and informal notification and consultation is lacking between and among stakeholders.
2. **Lack of understanding and awareness of rail/municipal proximity issues** - the issues and regulations affecting rail operations and municipal land use decisions are complex and involve every level of government. Individual stakeholders are not always familiar with the mandate and operating realities of other stakeholder agencies. Rail/municipal proximity issues only arise infrequently for many municipalities, particularly smaller ones, and staff may not be aware of required or appropriate mitigation measures.
3. **Absence of comprehensive or consistent development review** - policies, regulations, and approaches for dealing with land use decisions involving rail proximity issues vary greatly from municipality to municipality, and are lacking detail in most cases. In particular, there is a need for a new development review process that deals specifically with residential development proposals, especially those involving a conversion from commercial or industrial uses, or which are to be located on tight infill sites.

In addition to these common constraints, there are a number of very specific issues which, in some cases, are a result of the constraints, and in others, fuel them. These include issues around safety, noise, vibration, the accommodation of safety mitigation measures, and the accommodation of residential development near railway corridors. Following is a brief summary of some of the

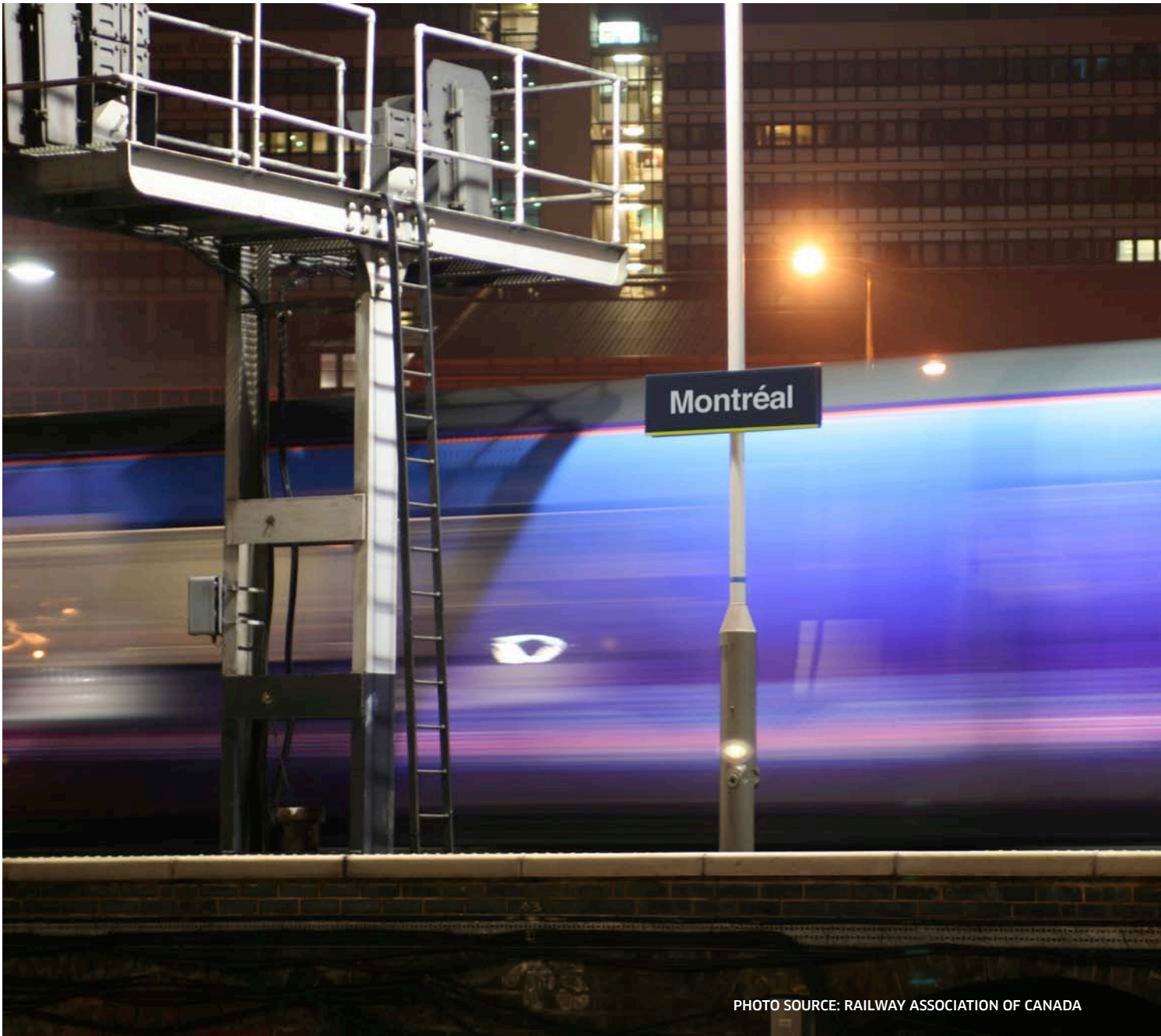


PHOTO SOURCE: RAILWAY ASSOCIATION OF CANADA

more specific issues associated with new development in proximity to railway operations.

2.1 // SAFETY

Safety is a concern which has been expressed by residents living in proximity to railways. In *Stronger Ties: A Shared Commitment to Railway Safety (2007)*, a report commissioned as part of a review of the Railway Safety Act, it is noted that rail is one of the safest modes of transportation, and that Canada's railways are among the safest in North America. When accidents do occur, the vast majority are non-main track collisions and derailments occurring primarily in yards or terminals. Only slightly more than 10 percent of railway accidents are collisions or derailments that occur on track between stations or terminals, including branch and feeder lines, although these are the accidents with the greatest consequences in terms of property and environmental damage. Additionally, the number of accidents involving the transportation of dangerous goods has been falling steadily since 1996, even as rail transport of regulated dangerous goods has grown by as much as 60 percent. By far, the greatest number of annual fatalities resulting from railway accidents involves trespassers or vehicle occupants or pedestrians being struck at crossings.¹ As a result, trespassing is at least as great, if not greater a safety concern than is derailment.

2.1.1 Train Derailments

The desire to ensure safety and promote a high quality of life for people living and working in close proximity to railway corridors is a principal objective of railways.

As part of that objective, railways have, since the early 1980s, promoted mitigation in the form of a standard setback and berm. These measures have been developed based on a detailed analysis of past incidents and derailments. Together, they contain the derailed cars and allow a derailed train enough room to come to a complete stop. In addition, setbacks and berms also allow for the dissipation of noise and vibration, and have typically been effective at ameliorating the proximity concerns perceived by residents living near railway operations. While these measures are recommended for all types of new development in proximity to railway operations, they have typically only been considered by the railways as a mandatory requirement for residential development. Nevertheless, in some cases where conversion or infill sites are small and cannot accommodate standard setbacks, reduced setbacks may be possible under certain conditions (for example, if the railway line is located in a cut), but in the majority of cases, an alternate form of safety barrier (such as a crash wall) will be required.

Most jurisdictions across Canada have yet to establish a formal requirement for rail corridor building setbacks. In some cases, minimum setback requirements are considered to be too onerous, and are either ignored or subjectively reduced. Ontario, which mandates the involvement of railways on any development proposal in proximity to railway facilities, is the only province where standard setbacks are typically achieved. This creates a perception that developers in that province are treated differently since they bear the additional costs associated with implementing safety mitigation, whereas developers in other provinces do not. In reality, this is simply an outcome of Ontario's stronger regulatory framework for dealing with development in railway environments.

¹ Railway Safety Act Review Secretariat. (2007). *Stronger ties: A shared commitment to railway safety*. Retrieved from the Transport Canada website: www.tc.gc.ca/tcss/RSA_Review-Examen_LSF

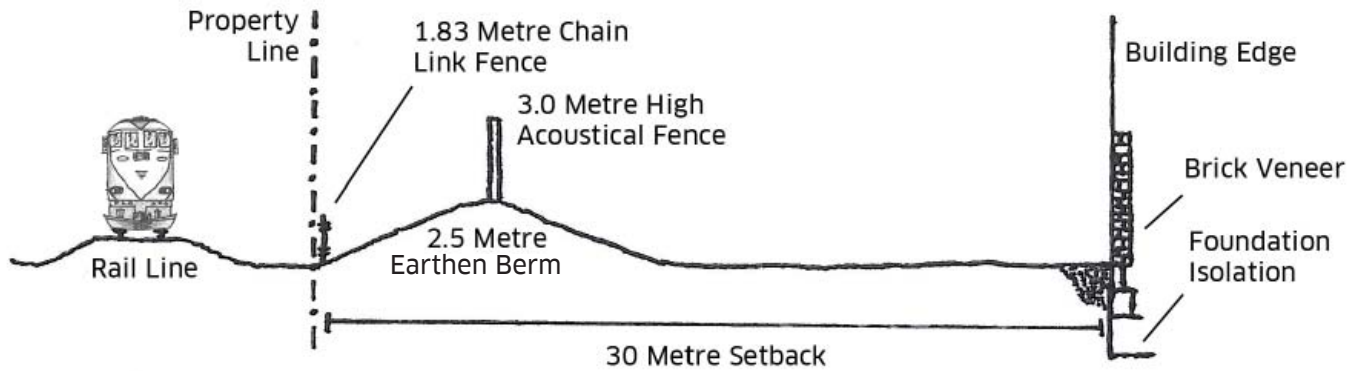


FIGURE 2 // STANDARD MITIGATION FOR NEW RESIDENTIAL DEVELOPMENT IN PROXIMITY TO A MAIN LINE RAILWAY

2.1.2 Crossings

As urban areas grow in proximity to railway corridors, road traffic at existing crossings increases and can lead to demands for improvements to such crossings, demands for additional crossings, or demands for grade separations to accommodate the flow of the traffic from the new development to areas on the other side of the railway. Conversely, Transport Canada and the railways strive to reduce the number of at-grade crossings since each new crossing increases the risk exposure for potential vehicle/train and pedestrian accidents, as well as the related road traffic delays. Grade-separated crossings address both these issues, but are expensive to construct. Safety at railway crossings is a concern for all stakeholders and planning is necessary to consider alternatives to creating new grade crossings, including upgrading and improving safety at existing crossings and grade-separated crossings.

2.2 // NOISE AND VIBRATION

Noise and vibration from rail operations are two of the primary sources of complaints from residents living near railway corridors. Airborne noise at low frequencies (caused by locomotives) can also induce vibration in lightweight elements of a building, which may be perceived to be ground-borne vibration.

There are two sources of rail noise: noise from pass-by trains, and noise from rail yard activities, including shunting. Pass-by noise is typically intermittent, of limited duration and primarily from locomotives. Other sources of pass-by noise include whistles at level crossings², and car wheels on the tracks.

Freight rail yard noises tend to be frequent and of longer duration, including shunting cars, idling locomotives, wheel and brake retarder squeal, clamps used to secure containers, bulk loading/unloading operations, shakers, and many others.

Beyond the obvious annoyance, some studies have found that the sleep disturbance induced by adverse levels of noise can affect cardiovascular, physiological, and mental health, and physical performance.³ However, there is no clear consensus as to the real affects of adverse levels of noise on health.

Ground borne vibration from the wheel-rail interface passes through the track structure into the ground and can transfer and propagate through the ground to nearby buildings. Vibration is more difficult to predict and mitigate than noise and there is no universally accepted method of measurement or applicable guidelines. Vibration evaluation methods are generally based on the human response to vibration. The effects of vibration on occupants include fear of damage to the occupied structure, and interference with sleep, conversation, and other activities.

2.3 // STANDARD MITIGATION

In order to reduce incompatibility issues associated with locating new development (particularly new residential development) in proximity to railway corridors, the railways suggest a package of mitigation measures that have been designed to ameliorate the inherent potential

required to sound their whistles for at least 400 metres before entering a public crossing, unless relief has been granted in accordance with the regulatory process.

3 Berglund, B., Lindvall, T., & Schwela, D. H., eds. (1999). Guidelines for community noise [Research Report]. Retrieved from World Health Organization website: <http://www.who.int/docstore/peh/noise/guidelines2.html>

2 Applicable to federally regulated railways and some provincially regulated railways (notably in Quebec and Ontario). Trains are

for the occurrence of safety, security, noise, vibration, and trespass issues. These mitigation measures (illustrated in [FIGURE 2](#)) include a minimum setback, earthen berm, acoustical and/or chain link security fence, as well as additional measures for sound and vibration attenuation.

It should be noted that many of these measures are most effective only when they are implemented together as part of the entire package of standard mitigation measures. For example, the setback contributes to mitigation against the potential impact of a railway incident as well as noise and vibration, through distance separation. The earthen berm, in turn, can protect against the physical components of a derailment (in conjunction with the setback), and provides mitigation of wheel and rail noise, reduces the masonry or wood component (and cost) of the overall noise barrier height, and offers an opportunity for the productive use of foundation excavations. Implementation of the entire package of mitigation measures is, therefore, highly desirable, as it provides the highest possible overall attenuation of incompatibility issues. It should also be noted that implementation of such measures is easiest to achieve for new greenfield development. For this reason, these measures are not intended as retrofits for existing residential neighbourhoods in proximity to railway operations. As well, challenges may be encountered in the case of conversions or infill projects on small or constrained sites, and any implications related to the use of alternative mitigation measures need to be carefully evaluated.

2.3.1 Maintenance

A common issue that emerged through this process was that of the responsibility for maintaining mitigation infrastructure. Currently, there is no standard approach to

dealing with the maintenance of mitigation infrastructure. In some cases, as is the current practice in Saskatoon, the municipality takes on this responsibility. Increasingly, however, this is seen as an undue burden on municipal coffers, particularly within the current difficult budgetary climate. In Ontario, there was a time when the railways occasionally took possession of the portion of the berm beyond the fence facing onto the railway corridor, but this land attracted property taxes at residential rates. As such, this practice has largely ended. Commonly, property owners maintain ownership of this portion of land, and are expected to maintain the mitigation infrastructure themselves. This strategy can work for commercial or industrial developments, or in the case of condominium developments, where the land becomes part of the common areas of the condominium and maintenance becomes the responsibility of the corporation. In the case of freehold developments, however, where the responsibility for maintenance lies with individual property owners, it is virtually impossible for them to easily access the side of the berm facing onto the railway corridor, and would be dangerous for them to do so in any case. Recommendations regarding a Mitigation Infrastructure Maintenance Strategy are included in [Section 4.1.2](#) of this report.

2.4 // CHALLENGES ASSOCIATED WITH NEW RESIDENTIAL DEVELOPMENT

Residential development is particularly challenging in the context of a railway environment. As noted above, safety, noise, and vibration issues become more significant when dealing with residential development. Partly, this is because people are more sensitive to these issues in the context of their own homes than in other contexts (work, leisure, etc.). It is also because the negative effects of noise and vibration become more

pronounced when they disturb normal sleeping patterns.

When residential development in proximity to railway corridors occurs on large greenfield sites, dealing with these issues is typically not a challenge, as standard mitigation measures can be easily accommodated, and are quite effective. Residential development becomes significantly more challenging, however, when the context is a small infill site, such as those typically associated with the conversion of commercial or industrial properties. In addition to their small size, these sites are also often oddly shaped, and do not easily accommodate standard mitigation measures such as a setback and berm. In addition, existing commercial buildings that are typically associated with conversions to residential use may not meet current residential building code specifications and for this reason it is very important that proper mitigation measures are implemented for these buildings.

In the case of high-density development, crash walls and extensive vibration isolation become economically feasible, negating the problems associated with small sites. However, where high-density development is not appropriate given the site context, these solutions are not financially feasible for the developer, and a different approach is required. Across Canada, there have been inconsistencies in the way these sites are dealt with, and in some cases, residential development has been allowed with little to no mitigation, which could present proximity issues and concerns to residents in the future.

A major contributing factor with respect to inconsistencies in the application of mitigation measures across Canada is the lack of a clear development approval process for residential development in proximity to railway corridors in most jurisdictions outside of Ontario. A new approach is required that will ensure more consistent

outcomes across the country. In particular, municipalities will need to carefully consider the viability of sites for conversion to residential uses, based on criteria such as: existing contextual land use, size of site, appropriateness of high-density development, and the demonstrated effectiveness of alternative mitigation measures. Recommendations regarding a Model Review Process for Residential Development, Infill, and Conversions Adjacent to Railway Corridors can be found in **Section 4.1.1** of this report.





GUIDELINES

- 3.1 Principles for Mitigation Design
- 3.2 Consultation with the Railway
- 3.3 Building Setbacks
- 3.4 Noise Mitigation
- 3.5 Vibration Mitigation
- 3.6 Safety Barriers
- 3.7 Security Fencing
- 3.8 Stormwater Management and Drainage
- 3.9 Warning Clauses and Other Legal Agreements
- 3.10 Construction Issues

3.0 // GUIDELINES

The intention of these guidelines is to provide a level of consistency in the approach to the design of buildings and their context in proximity to railway corridors, and the type of mitigation that is provided across the country.

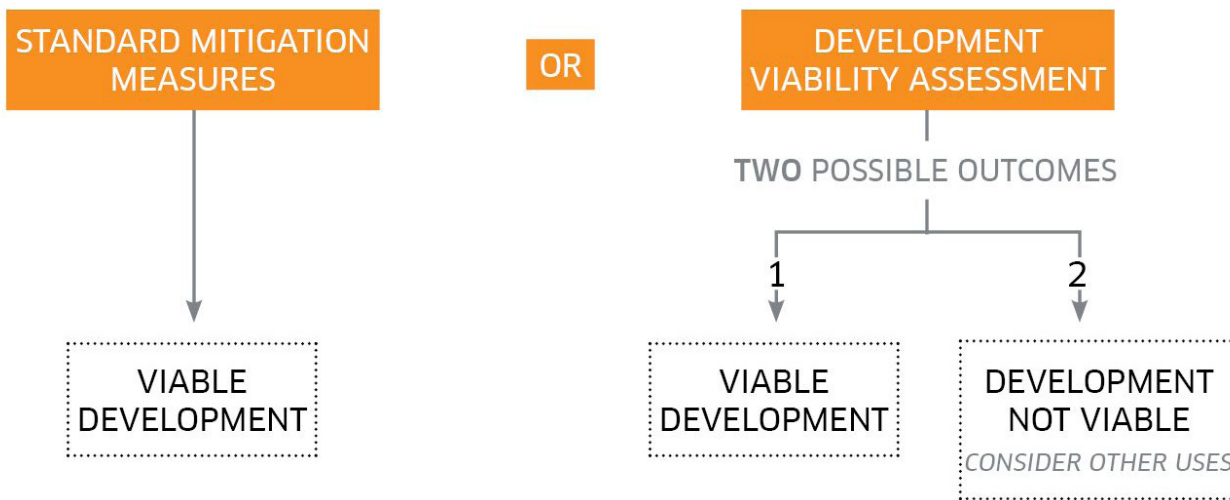


FIGURE 3 // THE DEVELOPMENT VIABILITY ASSESSMENT TOOL IS TO BE USED WHERE STANDARD MITIGATION MEASURES CANNOT BE ACCOMMODATED

The main objective is to mitigate railway-oriented impacts such as noise, vibration, and safety hazards, to ensure that the quality of life of a building’s residents and users is not negatively affected. The guidelines are intended to be applied primarily to new residential development but may be useful for all other types of new development as well.

3.1 // PRINCIPLES FOR MITIGATION DESIGN

The following principles for mitigation design should be considered when applying the guidelines below. They are an expression of the intent of the guidelines, and both developers as well as municipalities should have regard for them when designing or assessing new residential development in proximity to a railway corridor.

1. Standard mitigation measures are desired as a minimum requirement.
2. In instances where standard mitigation measures are not viable, alternative development solutions may be introduced in keeping with the Development Viability Assessment process (SEE FIGURE 3).
3. All mitigation measures should be designed to the highest possible urban design standards. Mitigation solutions, as developed through the Development Viability Assessment process, should not create an onerous, highly engineered condition that overwhelms the aesthetic quality of an environment.

3.2 // CONSULTATION WITH THE RAILWAY

Consultation with all stakeholders, including the railways, at the outset of a planning process is imperative to building understanding and informing nearby neighbours. In addition, initiating a conversation with railways can confirm the feasibility of a project and the practicality

of proceeding. Key issues or concerns that may need to be addressed will be identified.

- Early contact between the proponent and the railway (preferably in the project’s early design phase), is highly recommended, especially for sites in close proximity to railway corridors. This consultation is important in order to determine:
 - » the location of the site in relation to the rail corridor;
 - » the nature of the proposed development;
 - » the frequency, types, and speeds of trains travelling within the corridor;
 - » the potential for expansion of train traffic within the corridor;
 - » any issues the railway may have with the new development or with specific uses proposed for the new development;
 - » the capacity for the site to accommodate standard mitigation measures;
 - » any suggestions for alternate mitigation measures that may be appropriate for the site; and
 - » the specifications to be applied to the project.

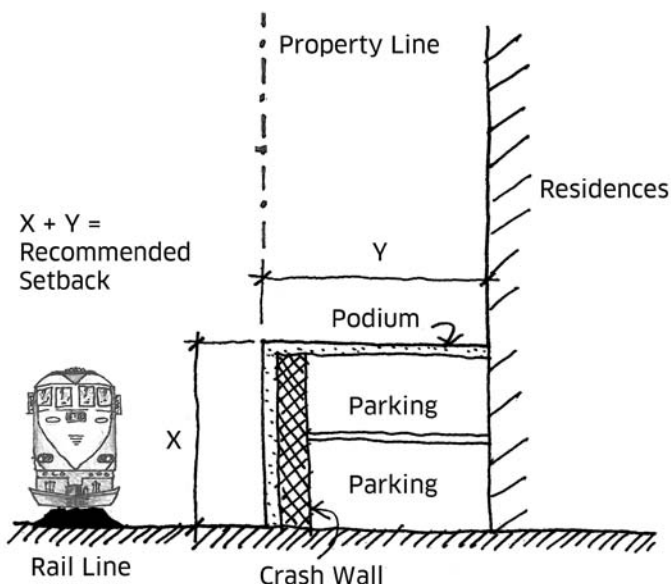


FIGURE 4 // INCORPORATING A CRASH WALL INTO A DEVELOPMENT CAN REDUCE THE RECOMMENDED SETBACK.

3.3 // BUILDING SETBACKS FOR NEW DEVELOPMENTS

A setback from the railway corridor, or railway freight yard, is a highly desirable development condition, particularly in the case of new residential development. It provides a buffer from railway operations; permits dissipation of rail-oriented emissions, vibrations, and noise; and accommodates a safety barrier. Residential separation distances from freight rail yards are intended to address the fundamental land use incompatibilities. Proponents are encouraged to consult with the railway early in the development process to determine the capacity of the site to accommodate standard setbacks (see below). On smaller sites, reduced setbacks should be considered in conjunction with alternative safety measures. Where the recommended setbacks are not technically or practically feasible due, for example, to site conditions or constraints, then a Development Viability Assessment should be undertaken by the proponent to evaluate the conditions specific to the site, determine its suitability for new development, and suggest options for mitigation. Development Viability Assessments are explained in detail in **Appendix A**.

3.3.1 Guidelines

- The standard recommended building setbacks for new residential development in proximity to railway operations are as follows:
 - » Freight Rail Yard: 300 metres
 - » Principle Main Line: 30 metres
 - » Secondary Main Line: 30 metres
 - » Principle Branch Line: 15 metres
 - » Secondary Branch Line: 15 metres
 - » Spur Line: 15 metres

- Setback distances must be measured from the mutual property line to the building face. This will ensure that the entire railway right-of-way is protected for potential rail expansion in the future.

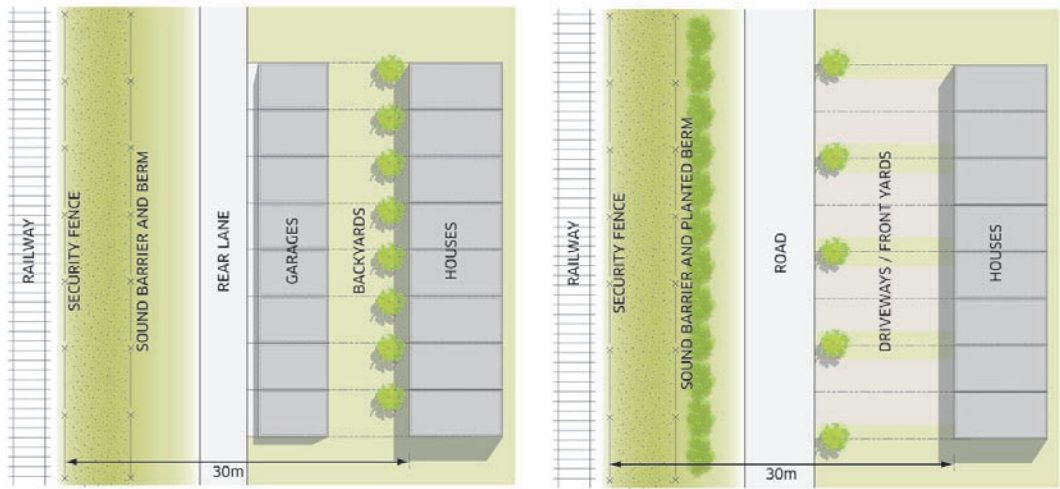
» Policy Recommendation

Municipalities should establish minimum setback requirements through a zoning bylaw amendment.

- Under typical conditions, the setback is measured as a straight-line horizontal distance.
- Where larger building setbacks are proposed (or are more practicable, such as in rural situations), reduced berm heights should be considered.
- Marginal reductions in the recommended setback of up to 5 metres may be achieved through a reciprocal increase in the height of the safety berm (see Section 3.6 Safety Barriers)
- Horizontal setback requirements may be substantially reduced with the construction of a crash wall (see Section 3.6 Safety Barriers). For example, where a crash wall is incorporated into a low-occupancy podium below a residential tower, the setback distance may be measured as a combination of horizontal and vertical distances, as long as the horizontal and vertical value add up to the recommended setback. This concept is illustrated in **FIGURE 4**.
- Where there are elevation differences between the railway and a subject development property, appropriate variations in the minimum setback should be determined in consultation with the affected railway. For example, should the railway

FIGURES 5 (LEFT) & 6 (RIGHT)
// SETBACK CONFIGURATION
OPTIONS FOR OPTIMUM
SITE DESIGN

Note that in both scenarios displayed in Figures 5 & 6, the presence of intervening structures between the railway and the outdoor amenity areas may negate the need for a sound barrier. Where a barrier is not required for noise, vegetative or other screening is recommended to provide a visual barrier to the sometimes frightening onset of a high speed passenger train.



tracks be located in a cut, reduced setbacks may be appropriate.

- Appropriate uses within the setback area include public and private roads; parkland and other outdoor recreational space including backyards, swimming pools, and tennis courts; unenclosed gazebos; garages and other parking structures; and storage sheds.

Example setback configurations are illustrated in **FIGURES 5 AND 6**.

3.4 // NOISE MITIGATION

Noise resulting from rail operations is a key issue with regards to the liveability of residential developments in proximity to railway facilities, and may also be problematic for other types of sensitive uses, including schools, daycares, recording studios, etc. As well as being a major source of annoyance for residents, noise can also have impacts on physical and mental health, particularly if it interferes with normal sleeping patterns.¹ The rail noise issue is site-specific in nature, as the level and impact of noise varies depending on the type of train operations. (see Appendix B for a sample rail classification system). Proponents will have to carefully plan any new development in proximity to a railway corridor to ensure that noise impacts are minimized as much as possible. Generally, during the day, noise should be contained to a level conducive to comfortable speech communication or listening to soft music, and at night it should not interfere with normal sleeping patterns.² For

1 Berglund, B., Lindvall, T., & Schwela, D. H., eds. (1999). Guidelines for community noise [Research Report]. Retrieved from World Health Organization website: <http://www.who.int/docstore/peh/noise/guidelines2.html>

2 Canada Mortgage and Housing Corporation. (1986). Road and rail noise: Effects on housing [Canada]: Author.

building retrofits, while the majority of the guidelines below will apply, special attention should be paid to windows, doors, and the exterior cladding of the building.

3.4.1 Guidelines

- Since rail noise is site-specific in nature, the level and impact of noise on a given site should be accurately assessed by a qualified acoustic consultant through the preparation of a noise impact study. The objective of the noise impact study is to assess the impact of all noise sources affecting the subject lands and to determine the appropriate layout, design, and required control measures. Noise studies should be undertaken by the proponent early in the development process, and should be submitted with the initial proposal.

» Policy Recommendation

Municipalities should consider amending their Official Plan or other appropriate legislation to require noise impact studies as part of any rezoning or Official Plan amendment near railway operations.

- The recommended minimum noise influence areas to be considered for railway corridors when undertaking noise studies are:
 - » **Freight Rail Yards:** 1,000 metres
 - » **Principal Main Lines:** 300 metres
 - » **Secondary Main Lines:** 250 metres
 - » **Principal Branch Lines:** 150 metres
 - » **Secondary Branch Lines:** 75 metres
 - » **Spur Lines:** 75 metres

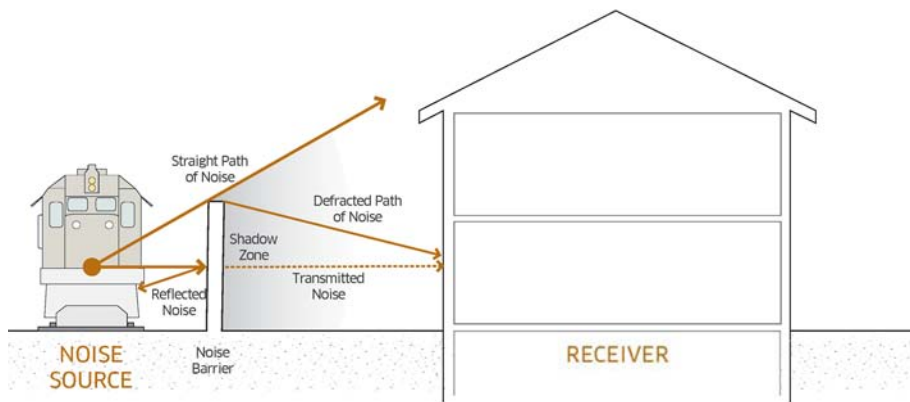


FIGURE 7 // EFFECT OF A NOISE BARRIER ON THE PATH OF NOISE FROM THE RECEIVER TO THE SOURCE. A NOISE BARRIER REDUCES NOISE LEVELS IN THREE WAYS: BY DEFLECTING NOISE OFF OF IT, BY DAMPENING THE NOISE THAT IS TRANSMITTED THROUGH IT, AND BY BENDING, OR DIFFRACTING NOISE OVER IT. THE AREA RECEIVING THE MOST PROTECTION BY THE NOISE BARRIER IS TYPICALLY REFERRED TO AS THE "SHADOW ZONE".

- The acoustic consultant should calculate the external noise exposure, confirm with measurements if there are special conditions, and calculate the resultant internal sound levels. This should take into account the particular features of the proposed development. The measurements and calculations should be representative of the full range of trains and operating conditions likely to occur in the foreseeable future at the particular site or location. The study report should include details of assessment methods, summarize the results, and recommend the required outdoor as well as indoor control measures.
- To achieve an appropriate level of liveability, and to reduce the potential for complaints due to noise emitted from rail operations, new residential buildings in proximity to railway operations should be designed and constructed to comply with the sound level limits criteria shown in **AC.1.4** (see **AC.1.6** for sound limit criteria for residential buildings in proximity to freight rail shunting yards). Habitable rooms should be designed to meet the criteria when their external windows and doors are closed. If sound levels with the windows or doors open exceed these criteria by more than 10 dBA, the design of ventilation for these rooms should be such that the occupants can leave the windows closed to mitigate against noise (e.g. through the provision of central air conditioning systems).
- In Appendix C, recommended procedures for the preparation of noise impact studies are provided, as well as detailed information on noise measurement. These should be observed.
- It is recommended that proponents consult Section 2.4 of the Canadian Transportation Agency (CTA) report, *Railway Noise Measurement and Reporting Methodology* (2011) for guidance on the recommended content and format of a noise impact study.

3.4.1.1 Avoiding Adverse Noise Impacts through Good Design

Many of the adverse impacts of railway noise can be avoided or minimized through good design practices. Careful consideration of the location and orientation of buildings, as well as their internal layout can minimize the exposure of sensitive spaces to railway noise. Site design should take into consideration the location of the rail corridor, existing sound levels, topography, and nearby buildings. Noise barriers, acoustic shielding from other structures, and the use of appropriate windows, doors, ventilation, and façade materials can all minimize the acoustic impacts of railway operations. Note that many of the design options recommended below have cost and market acceptability liabilities that should be evaluated at the outset of the design process.

3.4.1.2 Noise Barriers

- A noise barrier can effectively reduce outdoor rail noise by between 5dBA and 15dBA, although the largest noise reductions are difficult to achieve without very high barriers. Noise barriers provide significant noise reductions only when they block the line of sight between the noise source and the receiver. Minimum noise barrier heights vary by the classification of the neighbouring rail line.³ Though the required height will be determined by

³ Note that the height of a noise barrier can be achieved in combination with that of a berm, if present.



FIGURE 8 // PRECEDENT IMAGERY DEMONSTRATING THE INCORPORATION OF URBAN DESIGN AND LIVING WALLS INTO NOISE BARRIERS

SOURCES: (LEFT) WESTFIELD WINDBREAK BY WILTSHIREBLOKE. CC BY-NC-ND 3.0. RETRIEVED FROM: [HTTP://WWW.FLICKR.COM/PHOTOS/WILTSHIREBLOKE/3580334228/](http://www.flickr.com/photos/wiltshirebloke/3580334228/). (MIDDLE) AUTUMN COLORS BY GEIR HALVORSEN. CC BY-NC-SA 3.0. RETRIEVED FROM: [HTTP://WWW.FLICKR.COM/PHOTOS/DAMIEL/47160698/](http://www.flickr.com/photos/daniel/47160698/). (RIGHT) IMAGE BY DIALOG.

an acoustic engineer in a noise report, they are typically at least:

- » **Principal Main Line:** 5.5 metres above top of rail
- » **Secondary Main Line:** 4.5 metres above top of rail
- » **Principal Branch Line:** 4.0 metres above top of rail
- » **Secondary Branch Line:** no minimum
- » **Spur Line:** no minimum

Differences in elevation between railway lands and development lands may significantly increase or decrease the required height of the barrier, which must at least break the line of sight. Thus, when not at the same grade, the typical barrier heights are measured from an inclined plane struck between the ground at the wall of the dwelling and the top of the highest rail.

- In keeping with existing railway guidelines for new developments, noise barriers must be constructed adjoining and parallel to the railway right-of-way with returns at each end. They must be constructed without holes or gaps and should be made of a durable material with sufficient mass to limit the noise transmission to at least 10dBA less than the noise that passes over the barrier,⁴ at least 20 kg per square metre of surface area. Masonry, concrete, or other specialist construction is preferred in order to achieve the maximum noise reduction combined with longevity. Well-built wood fences are acceptable in most cases. Poorly constructed fences

of any type are an unnecessary burden on future residents.

- Consideration should be made to limiting the visual impact of noise barriers in order to maintain a high level of urban design in all new developments, and to discourage vandalism. This can be accomplished by incorporating public art into the design of the barrier, or through the planting of trees and shrubs on the side of the barrier facing the development, particularly where it is exposed to regular sunlight.
- Alternatively, the barrier itself may be constructed as a living wall, which also has the benefit of providing additional noise attenuation. **FIGURE 8** provides some examples of how good design practices may be incorporated into the design of noise barriers.

N.B. New barriers constructed on one side of a railway opposite an older neighbourhood without barriers may lead to concerns from existing residents about the potential for noise increases due to barrier reflections. It is common for the characteristics of the noise to change due to frequency, duration, and time of onset, which, combined, may be perceived as a significant increase in noise levels. However, this is not generally supported through onsite measurement, as the train will act as its own barrier to any reflected noise during pass-by.

3.4.1.3 *Building Location, Design Orientation, and Room Layout*

While low-rise buildings may benefit from shielding provided by topography, barriers, or other buildings, high-rise buildings usually receive less noise shielding, and are, therefore, typically more exposed to noise from

⁴ Rail Infrastructure Corporation. (November 2003). Interim guidelines for applicants: Consideration of rail noise and vibration in the planning process. Retrieved from http://www.daydesign.com.au/downloads/Interim_guidelines_for_applicants.pdf

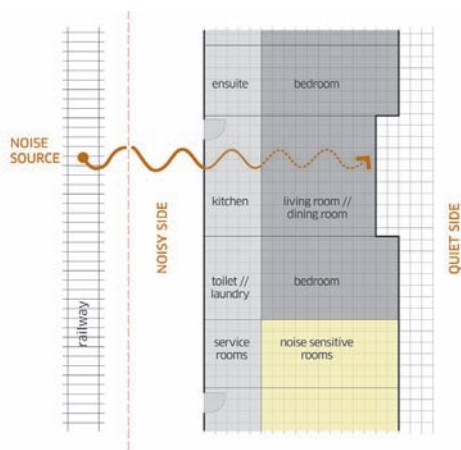


FIGURE 9 // LOCATING NOISE SENSITIVE ROOMS AWAY FROM RAIL NOISE IN DETACHED DWELLINGS; AND FIGURE 10 (RIGHT) - LOCATING NOISE SENSITIVE ROOMS AWAY FROM RAIL NOISE IN MULTI-UNIT DWELLINGS. (SOURCE: ADAPTED FROM FIGURE 3.6 IN THE DEVELOPMENT NEAR RAIL CORRIDORS AND BUSY ROADS - INTERIM GUIDELINE BY THE STATE OF NEW SOUTH WALES, AUSTRALIA)

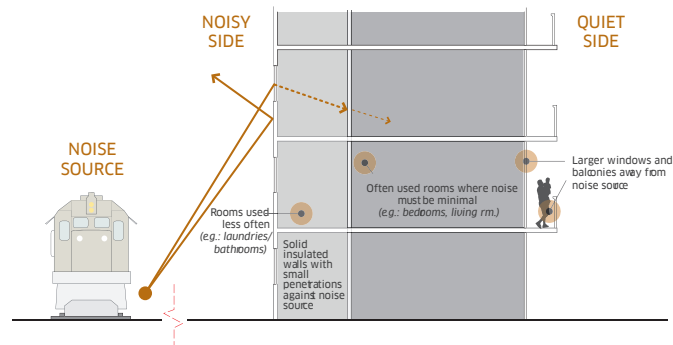


FIGURE 10 // LOCATING NOISE SENSITIVE ROOMS AWAY FROM RAIL NOISE IN MULTI-UNIT DWELLINGS (SOURCE: ADAPTED FROM FIGURES 3.5 & 3.6 IN THE DEVELOPMENT NEAR RAIL CORRIDORS AND BUSY ROADS - INTERIM GUIDELINE BY THE STATE OF NEW SOUTH WALES, AUSTRALIA)

» Policy Recommendations

Urban Design Guidelines for development near railway corridors would be a valuable tool in suggesting building layout and design. Alternatively, municipal planners should pay close attention to these issues through a site planning process. Jurisdictions that do not allow comprehensive site planning may wish to consider amendments to their land use planning legislation.

Comprehensive zoning for podiums would be a valuable tool for areas in proximity to railway operations that municipalities have identified for redevelopment. Urban Design Guidelines can also speak to appropriate built form, including podium design, setbacks, step backs etc. At a minimum, municipal planners should secure podium massing as part of a site-specific zoning by-law amendment.

Balconies can be regulated through zoning if administered comprehensively and can be secured as part of a site-specific zoning by-law. Urban Design Guidelines should also speak to appropriate balcony design (e.g. recessed versus protruding balconies).

Urban Design Guidelines should contain comprehensive information on best practices for landscape design, and appropriate types and species of plants.

Urban Design Guidelines can speak to materiality. Some jurisdictions, such as Ontario, allow municipalities to regulate external materials through the site plan process. This practice should be encouraged and jurisdictions that do not currently allow for this should consider making appropriate amendments to their land use planning legislation.

rail operations. In either case, noise mitigation needs to be considered at the outset of a development project, during the layout and design stage.

- One of the most effective ways of reducing the impact of rail noise is through the use of a setback, by increasing the separation between the source of noise and the noise sensitive area. Generally, doubling the distance from the noise source to the receiver will reduce the noise levels by between 3dBA and 6dBA.⁵ (See Section 3.3 Building Setbacks)
- The layout of residential buildings can also be configured to reduce the impact of rail noise. For example, bedrooms and other habitable areas should be located on the side of the building furthest from the rail corridor. Conversely, rooms that are less sensitive to noise (such as laundry rooms, bathrooms, storage rooms, corridors, and stairwells) can be located on the noisy side of the building to act as a noise buffer. This concept is illustrated in FIGURES 9 AND 10.
- Minimizing the number of doors and windows on the noisy side of the dwelling will help to reduce the intrusion of noise. In the case of multi-unit developments, a single-loaded building where the units are located on the side of the building facing away from the rail corridor is another potential solution for reducing noise penetration.

3.4.1.4 Podiums

- Outdoor rail noise can be substantially reduced by building residential apartments on top of a podium or commercial building space. If the residential

⁵ State Government of New South Wales, Department of Planning. (2008). Development near rail corridors and busy roads - interim guideline. Retrieved from <http://www.planning.nsw.gov.au/rdaguidelines/documents/DevelopmentNearBusyRoadsandRailCorridors.pdf>

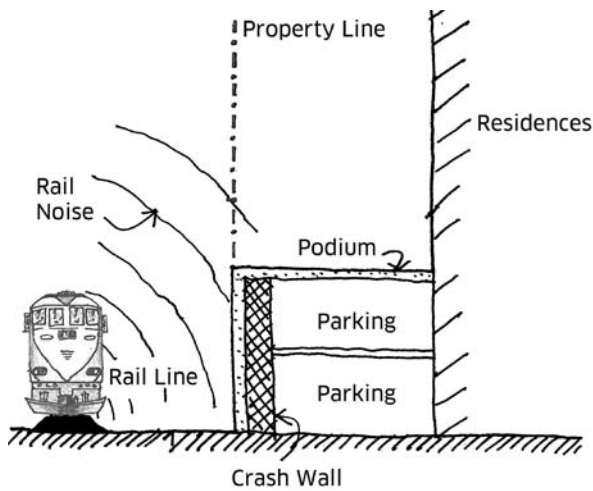


FIGURE 11 // PODIUMS CAN HELP REDUCE THE AMOUNT OF NOISE THAT REACHES RESIDENCES IF A SETBACK IS USED. (SOURCE: ADAPTED FROM FIGURE 3.13 IN THE DEVELOPMENT NEAR RAIL CORRIDORS AND BUSY ROADS - INTERIM GUIDELINE BY THE STATE OF NEW SOUTH WALES, AUSTRALIA).

tower is set back, then the podium acts to provide increased distance from the railway corridor, thus reducing the noise from the corridor and providing extra shielding to the lower apartments. This concept is illustrated in **FIGURE 11**.

3.4.1.5 Balconies

- Providing enclosed balconies can be an effective means of reducing the noise entering a building. Where enclosed balconies are used, acoustic louvres and possibly a fan to move air into and out of the balcony space may be installed to address ventilation requirements. This concept is illustrated in **FIGURE 12**.

3.4.1.6 Vegetation

- While vegetation such as trees and shrubs does not actually limit the intrusion of noise, it has been shown to create the perception of reduced noise levels. Vegetation is also valuable for improving the aesthetics of noise barriers and for reducing the potential for visual intrusion from railway operations.

3.4.1.7 Walls

- In order to reduce the transmission of noise into the building, it is recommended that masonry or concrete construction or another form of heavy wall be used for all buildings in close proximity to railway corridors. This will aid in controlling the sound-induced vibration of the walls that rattles windows, pictures, and loose items on shelving. Additionally, care should be taken to ensure that the insulation capacity of the wall is not weakened by exhaust fans, doors, or windows of a lesser insulation capacity. To improve insulation response, exhaust vents can be treated with sound-absorbing material or located on walls which are not directly

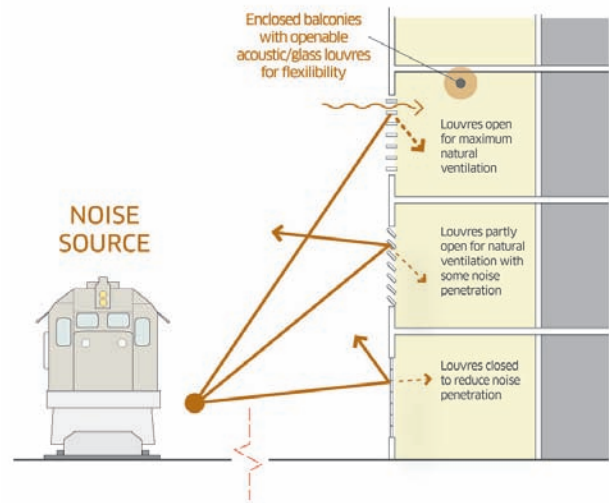


FIGURE 12 // USING ENCLOSED BALCONIES FACING A RAILWAY CORRIDOR AS NOISE SHIELDS. (SOURCE: ADAPTED FROM FIGURE 3.16 IN THE DEVELOPMENT NEAR RAIL CORRIDORS AND BUSY ROADS - INTERIM GUIDELINE BY THE STATE OF NEW SOUTH WALES, AUSTRALIA).

exposed to the external noise.

3.4.1.8 Windows

Acoustically, windows are among the weakest elements of a building façade. An open or acoustically weak window can severely negate the effect of an otherwise acoustically strong façade.⁶ Therefore, it is extremely important to carefully consider the effects of windows on the acoustic performance of any building façade in proximity to a railway corridor. In addition to the recommendations below, proponents are advised to familiarize themselves with the Sound Transmission Class (STC) rating system, which allows for a comparison of the noise reduction that different windows provide.⁷ In order to successfully ensure noise reduction from windows, proponents should:

- ensure windows are properly sealed by using a flexible caulking such as mastic or silicone on both the inside of the window and outside, between the wall opening and the window frame;
- use double-glazed windows with full acoustic seals. When using double-glazing, the wider the air space between the panes, the higher the insulation (50 mm to 100 mm is preferable in non-sealed windows and 25mm in sealed windows). It is also desirable in some cases to specify the panes with different thicknesses to avoid sympathetic resonance or to use at least one laminated lite to dampen the vibration within the window;
- consider reducing the size of windows (i.e. use punched windows instead of a window wall or curtain wall);

⁶ State Government of New South Wales, Department of Planning. (2008). Development near rail corridors and busy roads - interim guideline. Retrieved from <http://www.planning.nsw.gov.au/rdaguidelines/documents/DevelopmentNearBusyRoadsandRailCorridors.pdf>

⁷ The STC rating of a soundproof window is typically in the range of 45 to 54.

- consider increasing the glass thickness;
- consider using absorbent materials on the window reveals in order to improve noise insulation in particularly awkward cases;
- consider using hinged or casement windows or fixed pane windows instead of sliding windows;
- ensure window frames and their insulation in the wall openings are air tight; and
- incorporate acoustic seals into operable windows for optimal noise insulation.

Note that window frame contributions to noise penetration are typically less for aluminum and wood windows than for vinyl frames, as above.⁸

3.4.1.9 Doors

In order to ensure proper acoustic insulation of doors:

- airtight seals should be used around the perimeter of the door;
- cat flaps, letter box openings, and other apertures should be avoided;
- heavy, thick, and/or dense materials should be used in the construction of the door;
- there should be an airtight seal between the frame and the opening aperture in the façade;
- windows within doors should be considered as they exhibit a higher acoustic performance than the balance of the door material; and
- sliding patio doors should be treated as windows when assessing attenuation performance.

⁸ Note that STC ratings should include the full window assembly with the frame, as frames have been shown to be a weak component, and may not perform as anticipated from the glazing specifications.

3.5 // VIBRATION MITIGATION

Vibration caused by passing trains is an issue that could affect the structure of a building as well as the liveability of the units inside residential structures. In most cases, structural integrity is not a factor. Like sound, the effects of vibration are site specific and are dependent on the soil and subsurface conditions, the frequency of trains and their speed, as well as the quantity and type of goods they are transporting.

The guidelines below are applicable only to new building construction. In the case of building retrofits, vibration isolation of the entire building is generally not possible. However, individual elevated floors may be stiffened through structural modifications in order to eliminate low-frequency resonances. Vibration isolation is also possible for individual rooms through the creation of a room-within-a-room, essentially by floating a second floor slab on a cushion (acting like springs), and supporting the inner room on top of it.⁹ Additional information regarding vibration mitigation options for new and existing buildings can be found in the *FCM/RAC Railway Vibration Mitigation Report*, which can be found on the Proximity Project website.

3.5.1 Guidelines

- Since vibration is site-specific in nature, the level and impact of vibration on a given site can only be accurately assessed by a qualified acoustic or vibration consultant through the preparation of a vibration impact study. It is highly recommended that an acoustic or vibration consultant be obtained by the proponent early in the design process, as mitigation can be difficult. It is recommended

⁹ Howe, B., & McCabe, N. (March 15 2012). *Railway vibration reduction study: Information on railway vibration mitigation* [Ottawa, ON]: Railway Association of Canada.

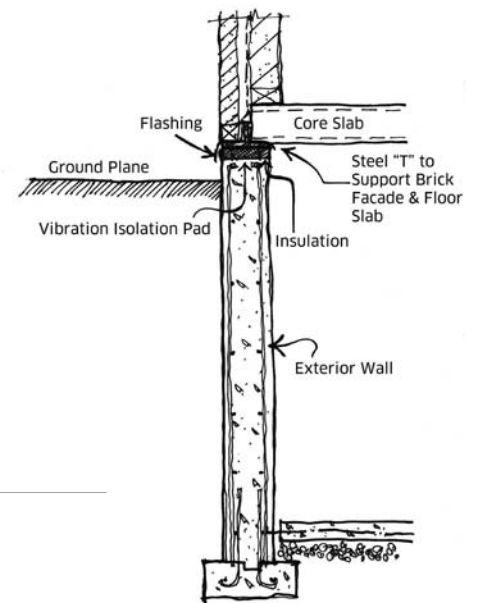


FIGURE 13 // SHALLOW VIBRATION ISOLATION

that the consultant be used to determine whether vibration mitigation measures are necessary and what options are available given the particular conditions of the development site in question. The consultant will employ measurements to characterize the vibration affecting the site in question. In the absence of a future rail corridor not yet operating, estimates based on soil vibration testing are required, although such sites are quite rare.

» Policy Recommendation

Municipalities should consider amendments to their Official Plan, where necessary, to make vibration studies a requirement for any zoning by-law amendment and Official Plan amendment applications.

- The recommended minimum vibration influence area to be considered is 75 metres from a railway corridor or rail yard.
- The acoustic consultant should carry out vibration measurements and calculate the resultant internal vibration levels. This should take into account the particular features of the proposed development. The measurements and calculations should be representative of the full range of trains and operating conditions likely to occur at the particular site or location. The study report should include details of the assessment methods, summarize the results, and recommend the required control measures.
- See AC.2.5 for recommended procedures for the preparation of vibration impact studies. These should be observed.

- The important physical parameters that should be considered by the consultant for designing vibration control can be divided into the following four categories:
 - » Operational and vehicle factors: including speed, primary suspension on the vehicle, and flat or worn wheels.
 - » Guideway: the type and condition of the rails and the rail support system.
 - » Geology: soil and subsurface conditions are known to have a strong influence on the levels of ground-borne vibration. Among the most important factors are the stiffness and internal damping of the soil and the depth of bedrock. Experience with ground-borne vibration is that vibration propagation is more efficient in stiff soils. Shallow rock (within a metre or two of the surface) seems to prevent significant vibration. Additional factors such as layering of the soil and depth to the water table, including their seasonal fluctuation, can have significant effects on the propagation of ground-borne vibration.
 - » Receiving building: the vibration levels inside a building depend on the vibration energy that reaches the building foundations, the coupling of the building foundation to the soil, and the propagation of the vibration through the building. The general guideline is that the heavier a building is, the lower the response will be to the incident vibration energy.

3.5.2 Examples of Vibration Mitigation Measures

Full vibration isolation requires a significant amount of specialist design input from both the acoustic consultant

and the structural engineer, and is therefore more suited to larger developments, which exhibit greater economies of scale.

3.5.2.1 Low-rise Buildings

- Vibration isolation of lightweight structures is difficult but possible for below grade floors. Normally, the upper floors are isolated from the foundation wall and any internal column supports using rubber pads designed to deflect 5 to 20mm under load. This concept is illustrated in **FIGURE 13**. Additionally, the following factors should be taken into consideration when designing vibration isolation for lightweight structures:
 - » Using hollow core concrete or concrete construction for the first floor makes the isolation problem easier to solve.
 - » Thought must be given to temporary wind and earthquake horizontal loads.
 - » A seam is created around the foundation wall that must be water sealed and insulated.
 - » Finishing components such as wood furring cannot be attached either above or below the isolation joint.
 - » All of these special items would likely be carried out by trades untrained in vibration control and therefore, a good deal of site supervision is required.
- Minor vibration control (usually only a 30% reduction) can be achieved by lining the outside of the foundation walls with a resilient layer. This practice takes advantage of the fact that the waves of vibration from surface rail travel mostly on the surface, dying down with depth. To obtain reasonable

results, however, the lining must be quite soft and yet be able to withstand the lateral soil pressures present on the foundation wall.

3.5.3.2 Deep Foundation Buildings

- In the case of deep concrete foundations near rail lines, the design of vibration isolation for the surface wave should consider whether or not it is necessary to isolate the base of the building columns and walls. Often, these structures are anchored well below the depth where the surface wave penetrates and there are several levels of parking that the vibration must climb to reach a floor where vibration is of concern. Therefore, unless the rail corridor is running in a tunnel, isolation of deep foundation buildings may only require isolation of the foundation wall away from the structure.
- In severe cases, or locations where the foundation is not deeper than the surface wave, vibration isolation may also be required beneath the columns and their foundations, though it may only be necessary to isolate those portions of the structure located closest to the rail line. Consideration should be given to the differential deflection from one column row to the next, if only part of the building is vibration isolated.
- This is an unusual type of construction, which requires considerable professional supervision. The design is usually a joint effort between the vibration and structural engineers. Some architectural expertise is also needed, particularly for waterproofing the gap at the top of the foundation wall below the grade slab and making sure that there are no inadvertent connections between internal walls on the parking slabs and the vibrating

foundation wall, or between the grade slab and the lowest parking slab if the columns are isolated.

3.6 // SAFETY BARRIERS

Safety barriers reduce the risks associated with railway incidents by intercepting or deflecting derailed cars in order to reduce or eliminate potential loss of life and damage to property, as well as to minimize the lateral spread or width in which the rail cars and their contents can travel. The standard safety barrier is an earthen berm, which is intended to absorb the energy of derailed cars, slowing them down and limiting the distance they travel outside of the railway right-of-way. The berm works by intercepting the movement of a derailed car. As the car travels into the berm, it is pulled down by gravity, causing the car to begin to dig into the earth, and pulling it into the intervening earthen mass, slowing it down, and eventually bringing it to a stop.

3.6.1 Guidelines

3.6.1.1 Berms

- Where full setbacks are provided, safety barriers are constructed as berms, which are simple earthen mounds compacted to 95% modified proctor. Setbacks and berms should typically be provided together in order to afford a maximum level of mitigation. Berms are to be constructed adjoining and parallel to the railway right-of-way with returns at the ends and to the following specifications:
 - » Principle Main Line: 2.5 metres above grade with side slopes not steeper than 2.5 to 1
 - » Secondary Main Line: 2.0 metres above grade with side slopes not steeper than 2.5 to 1

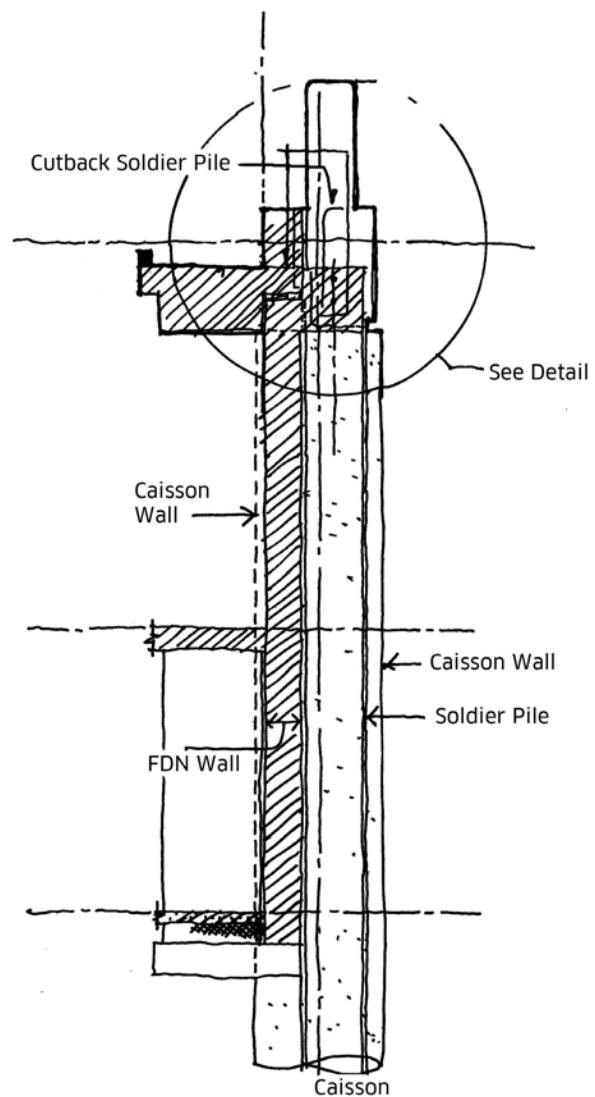


FIGURE 14A // DEEP VIBRATION ISOLATION, COMBINED WITH CRASH WALL.

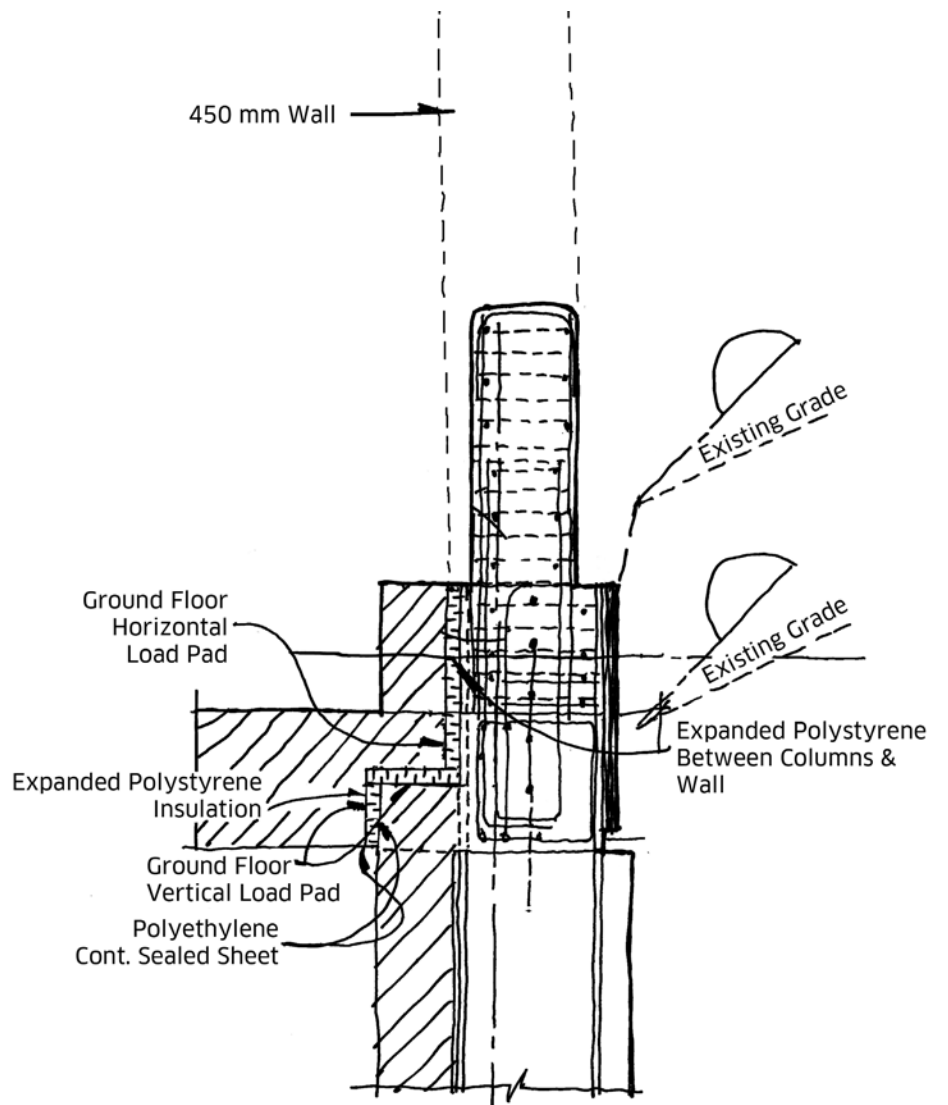


FIGURE 14B // DEEP VIBRATION ISOLATION DETAIL, COMBINED WITH CRASH WALL.

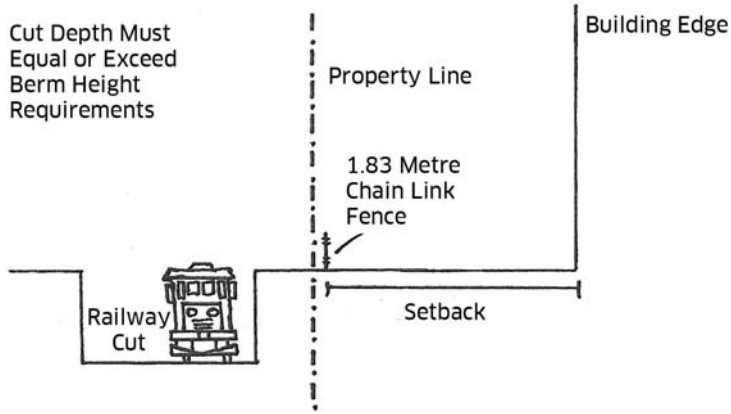


FIGURE 15 // NO BERM IS REQUIRED WHERE THE RAILWAY IS IN A CUT OF EQUIVALENT DEPTH

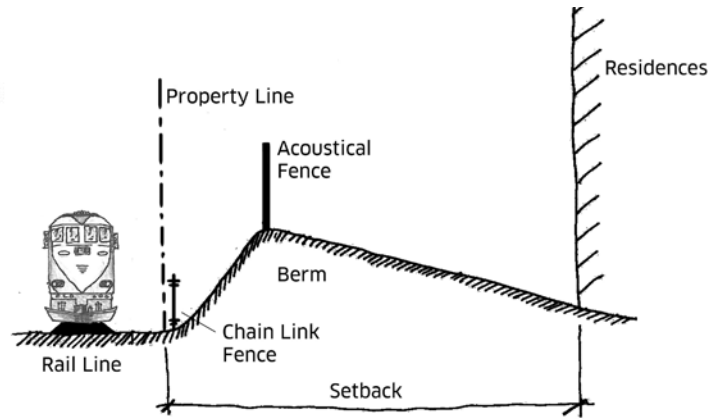


FIGURE 16 // GRADUALLY RETURNING TO GRADE FROM THE TOP OF THE BERM AVOIDS CREATING UNUSABLE BACKYARD SPACE OR BLOCKING SUNLIGHT

- » Principle Branch Line: 2.0 metres above grade with side slopes not steeper than 2.5 to 1
- » Secondary Branch Line: 2.0 metres above grade with side slopes not steeper than 2.5 to 1
- » Spur Line: no requirement

N.B. Berms built to the above specifications will have a full width of as many as 15 metres.

- Berm height is to be measured from grade at the property line. Reduced berm heights are possible where larger setbacks are proposed.
- Steeper slopes may be possible in tight situations, and should be negotiated with the affected railway.
- Where the railway line is in a cut of equivalent depth, no berm is required (FIGURE 15).
- There is no requirement for the proponent to drop back to grade on the side of the berm facing the subject development property. The entire grade of the development could be raised to the required height, or could be sloped more gradually. This may be desirable to avoid creating unusable backyard space, due to the otherwise steep slope of the berm. This concept is illustrated in FIGURE 16.
- Marginal reductions in the recommended setback of up to 5 metres may be achieved through a reciprocal increase in the height of the berm.
- If applicable to the site conditions, in lieu of the recommended berm, a ditch or valley between the railway and the subject new development property that is generally equivalent to or greater than the inverse of the berm could be considered (e.g. a ditch that is 2.5 metres deep and approximately 14

metres wide in the case of a property adjacent to a Principle Main Line). This concept is illustrated in FIGURE 17.

- Where the standard berm and setback are not technically or practically feasible, due for example, to site conditions or constraints, then a Development Viability Assessment should be undertaken by the proponent to evaluate the conditions specific to the site, determine its suitability for development, and suggest alternative safety measures such as crash walls or crash berms. Development Viability Assessments are explained in detail in APPENDIX A.

» Policy Recommendation

Urban Design Guidelines may be useful tools for establishing specifications for the proper use and design of berms.

3.6.1.2 Crash Berms

Crash berms are reinforced berms – essentially a hybrid of a regular berm and a crash wall. They are generally preferable to crash walls, because they are more effective at absorbing the impact of a train derailment. This results from both the berm's mass and the nature of the material of which it is composed. Crash berms are also highly cost effective and particularly useful in spatially constrained sites where a full berm cannot be accommodated.

In derailment scenarios other than a head-on or close to head-on interception, the standard earthen berm and setback distance will be more effective in absorbing the kinetic energy of the derailed train than a reinforced concrete crash wall. The reason for this is that anything other than a 90 degree interception of the crash wall will result in some deflection of the energy in the derauling



PHOTO SOURCE: RAILWAY ASSOCIATION OF CANADA

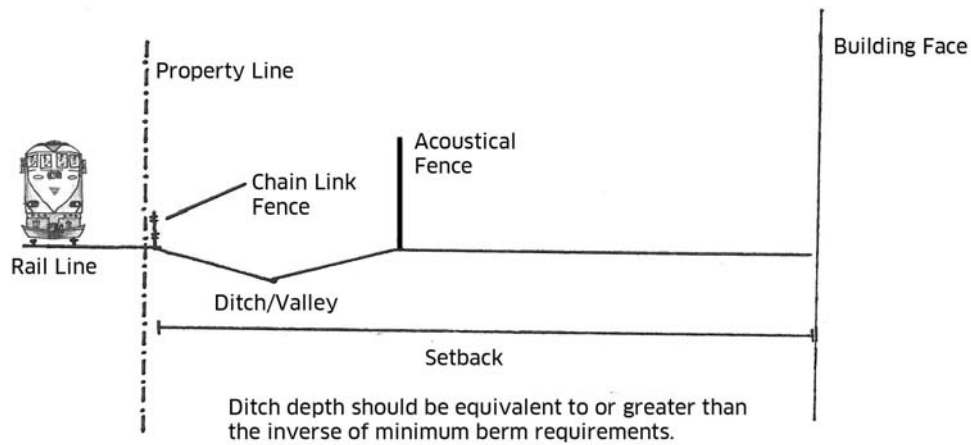


FIGURE 17 // A DITCH OR VALLEY OF EQUIVALENT DEPTH CAN BE USED IN PLACE OF A STANDARD BERM ADJACENT TO A MAIN LINE RAILWAY

train back towards the corridor, thus extending the time and distance of the derailment event. This extension of derailment time and distance results in greater risk of damage to private property along a longer section of the rail corridor, to more lives, and results in more expensive clean up and restoration work within the rail corridor. The preference therefore, is to design “crash berms” which are typically concrete wall structures retaining more earth behind the wall that in-turn provide more energy absorption characteristics (see FIGURE 18).

3.6.1.3 Crash Walls

Crash walls are concrete structures that are designed to provide the equivalent resistance in the case of a train derailment as the standard berm, particularly in terms of its energy absorptive characteristics. The design of crash walls is dependent on variables such as train speed, weight, and the angle of impact, which will vary from case to case. Changes in these variables will affect the amount of energy that a given crash wall will have to absorb, to effectively stop the movement of the train. In addition, the load that a wall is designed to withstand will differ based on the flexibility of the structure, and therefore, on how much deflection that it provides under impact. For these reasons, it is not possible to specify design standards for crash walls. In keeping with existing guidelines developed by AECOM, the appropriate load that a crash wall will have to withstand must be derived from the criteria outlined below.

- When proposing a crash wall as part of a new residential development adjacent to a railway corridor, the proponent must undertake a detailed study that outlines both the site conditions as well as the design specifics of the proposed structure. This study must be submitted to the affected municipality for approval and must contain the following elements:

- » a location or key plan. This will be used to identify the mileage and subdivision, the classification of the rail line, and the maximum speed for freight and passenger rail traffic;
- » a Geotechnical Report of the site;
- » a site plan clearly indicating the property line, the location of the wall structure, and the centreline and elevation of the nearest rail track;
- » layout and structure details of the proposed crash wall structure, including all material notes and specifications, as well as construction procedures and sequences. All drawings and calculations must be signed and sealed by a professional engineer;
- » the extent and treatment of any temporary excavations on railway property; and
- » a crash wall analysis, reflecting the specified track speeds for passenger and/or freight applicable within the corridor, and which includes the following four load cases:
 - i. Freight Train Load Case 1 - Glancing Blow: three locomotives weighing 200 tonnes each plus six cars weighing 143 tonnes each, impacting the wall at 10 degrees to the wall;
 - ii. Freight Train Load Case 2 - Direct Impact: single car weighing 143 tonnes impacting the wall at 90 degrees to the wall;
 - iii. Passenger Train Load Case 3 - Glancing Blow: two locomotives weighing 148 tonnes each plus 6 cars weighing 74 tonnes each impacting the wall at 10 degrees to the wall; and
 - iv. Passenger Train Load Case 4 - Direct Impact: Single car weighing 74 tonnes impacting the

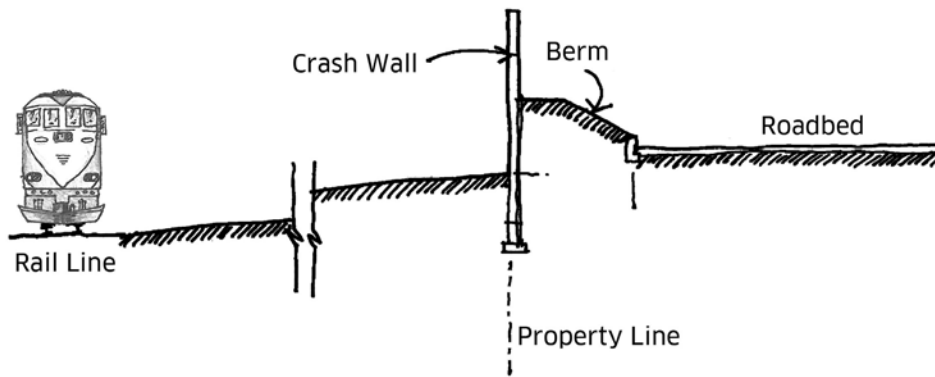


FIGURE 18 // EXAMPLE CONFIGURATION OF A CRASH BERM

wall at 90 degrees to the wall.

- The crash wall design must include horizontal and vertical continuity to distribute the loads from the derailed train.
- To assist in designing the crash wall safety structure, the following should be considered:
 - i. The speed of a derailed train or car impacting the wall is equal to the specified track speed;
 - ii. The height of the application of the impact force is equal to 0.914 m (3 feet) above ground; and
 - iii. The minimum height of the wall facing the tracks is equal to 2.13 m (7 feet) above the top of rail elevation.
- For energy dissipation calculations, assume:
 - i. Plastic deformation of individual car due to direct impact is equal to 0.3 m (1 foot) maximum;
 - ii. Total compression of linkages and equipment of the two or three locomotive and six cars is equal to 3.05 m (10 feet) maximum; and
 - iii. Deflection of the wall is to be determined by the designer, which would depend on material, wall dimensions and stiffness of crash wall.

3.7 // SECURITY FENCING

Trespassing onto a railway corridor can have dangerous consequences given the speed and frequency of trains, and their extremely large stopping distances, and every effort should be made to discourage it. This will save lives, reduce emergency whistling, and minimize

disruptions to rail service.

3.7.1 GUIDELINES

- At a minimum, all new residential developments in proximity to railway corridors must include a 1.83 metre high chain link fence along the entire mutual property line, to be constructed by the owner entirely on private property. Other materials may also be considered, in consultation with the relevant railway and the municipality. Noise barriers and crash walls are generally acceptable substitutes for standard fencing, although additional standard fencing may be required in any location with direct exposure to the rail corridor in order to ensure there is a continuous barrier to trespassing.

» Policy Recommendation

Trespass issues can be avoided through careful land use planning. Land uses on each side of a railway corridor or yard should be evaluated with a view to minimizing potential trespass problems. For example, schools, commercial uses, parks or plazas should not be located in proximity to railway facilities without the provision of adequate pedestrian crossings.

- Due to common increased trespass problems associated with parks, trails, open space, community centres, and schools located in proximity to the railway right-of-way, increased safety/security measures should be considered, such as precast fencing and fencing perpendicular to the railway property line at the ends of a subject development property.



3.8 // STORMWATER MANAGEMENT AND DRAINAGE

Stormwater management and drainage infrastructure associated with a development or railway corridor adjustments should not adversely impact on the function, operation, or maintenance of the corridor, or should not adversely affect area development.

3.8.1 GUIDELINES

- The proponent should consult with the affected railway regarding any proposed development that may have impacts on existing drainage patterns. Railway corridors/properties with their relative flat profile are not typically designed to handle additional flows from neighbouring properties, and so development should not discharge or direct stormwater, roof water, or floodwater onto a railway corridor.
- Any proposed alterations to existing rail corridor drainage patterns must be substantiated by a suitable drainage report, as appropriate.
- Any development-related changes to drainage must be addressed using infrastructure and/or other means located entirely within the confines of the subject development site.
- Stormwater or floodwater flows should be designed to:
 - » maintain the structural integrity of the railway corridor infrastructure;
 - » avoid scour or deposition; and
 - » prevent obstruction of the railway corridor as a result of stormwater or flood debris.

- Drainage systems should be designed so that stormwater is captured on site for reuse or diverted away from the rail corridor to a drainage system, ensuring that existing drainage is not overloaded.
- Building design should ensure that gutters and balcony overflows do not discharge into rail infrastructure. Where drainage into the railway corridor is unavoidable due to site characteristics, discussion should be held early on with the railway. If upgrades are required to the drainage system solely due to nearby development, the costs involved should reasonably be met by the proponent. All disturbed surfaces must be stabilized.
- Similarly, railways should consult with municipalities where facility expansions or changes may impact drainage patterns.

3.9 // WARNING CLAUSES AND OTHER LEGAL AGREEMENTS

Warning clauses are considered an essential component of the stakeholder communication process, and ensure all parties interested in the selling, purchasing, or leasing of residential lands in proximity to railway corridors are aware of any property constraints and the potential implications associated with rail corridor activity.

3.9.1 GUIDELINES

- Municipalities are encouraged to promote the use of appropriate specific rail operations warning clauses, if feasible, in consultation with the appropriate railway, to ensure that those who may acquire an interest in a subject property are notified of the existence and nature of the rail operations, the potential for increased rail activities, the potential for annoyance

or disruptions, and that complaints should not be directed to the railways. Such warning clauses should be registered on title if possible and be inserted into all agreements of purchase and sale or lease for the affected lots/units.

- Municipalities are encouraged to pursue the minimum influence areas outlined in the report when using warning clauses or other notification mechanisms.
- Appropriate legal agreements and restrictive covenants registered on title are also recommended to be used, if feasible, to secure the construction and maintenance of any required mitigation measures, as well as the use of warning clauses and any other notification requirements.
- Where it is not feasible to secure warning clauses, every effort should be made to provide notification to those who may acquire an interest in a subject property. This can be accomplished through other legal agreements, property signage, and/or descriptions on websites associated with the subject property.
- Municipalities should consider the use of environmental easements for operational emissions, registered on title of development properties, to ensure clear notification to those who may acquire an interest in the property. Easements will provide the railway with a legal right to create emissions over a development property and reduce the potential for future land use conflicts.
- Stronger and clearer direction is recommended for real estate sales and marketing representatives, such as mandatory disclosure protocols to those who may acquire an interest in a subject property, with respect to the nature and extent of rail operations

in the vicinity and regarding any applicable warning clauses and mitigation measures. The site constraints and mitigation measures being implemented should be communicated through marketing and promotional material, signage, website descriptions, and informed sales staff committed to full disclosure.

- Municipalities are encouraged to require appropriate signage/documentation at development marketing and sales centres that:
 - » identifies the lots or blocks that have been identified by any noise and vibration studies and which may experience noise and vibration impacts;
 - » identifies the type and location of sound barriers and security fencing;
 - » identifies any required warning clause(s); and
 - » contains a statement that railways can operate on a 24 hour a day basis, 7 days a week.

Additionally, studies undertaken to assess and mitigate noise, vibration, and other emissions should be released to potential purchasers for review in order to enhance their understanding of the site constraints and to help minimize future conflict.

- Where title agreements, restrictive covenants, and/or warning clauses are not currently permitted, appropriate legislative amendments are recommended. This may require coordination at the provincial level to provide appropriate and/or improved direction to stakeholders.
- Warnings and easements provide notice to purchasers, but are not to be used as a complete alternative to the installation of mitigation measures.




 Danfort

PHOTO SOURCE: DIALOG

3.10 // CONSTRUCTION ISSUES

Planning for construction of new developments in proximity to railway corridors requires unique considerations that should aim to maintain safety while avoiding disruptions to rail service. The efficiency of the operation of railway services should be maintained and no adverse impacts on the corridor or railway operations should occur during the design and construction of a new development located in proximity to a railway corridor.

3.10.1 GUIDELINES

- Prior to the start of construction of a new development, rail corridor-related infrastructure must be identified and plans adjusted as required to ensure that these features are not adversely affected by the proposed construction. Rail corridor-related infrastructure may include, but is not limited to:
 - » trackage;
 - » fibre optic cables;
 - » retaining walls;
 - » bridge abutments; and,
 - » signal bridge footings.
- No entry upon, below, or above the rail corridor shall be permitted without prior consent from the railway.
- Appropriate permits and flagging are required for work immediately adjacent to railway corridors. The proponent is responsible for any related costs.
- Temporary fencing / hoarding is required, as appropriate, to discourage unauthorized access to the rail corridor. Plans illustrating proposed fencing / hoarding locations as well as any other construction related infrastructure, should be submitted to the approval authority and the relevant railway.
- Cranes, concrete pumps, and other equipment capable of moving into or across the airspace above railway corridors may cause safety and other issues if their operation is not strictly managed. This type of equipment must not be used in airspace over the rail corridor without prior approval from the railway.
- Existing services and utilities under a rail corridor must be protected from increased loads during the construction and operation of the development.
- Construction must not obstruct emergency access to the railway corridor.



IMPLEMENTATION

- 4.1 Implementation Mechanisms
- 4.2 Advancing Stakeholder Roles
- 4.3 Dispute Resolution



4

4.0 // IMPLEMENTATION

The following implementation recommendations are intended to provide specific guidance to municipal and provincial governments...

...towards ensuring that the guidelines are consistently and effectively adopted in as many jurisdictions as possible. Processes are identified that may be employed to entrench these guidelines in policy.

4.1 // IMPLEMENTATION MECHANISMS

4.1.1 Model Review Process For New Residential Development, Infill & Conversions in Proximity to Railway Corridors

OBJECTIVE:

Establish a clear and effective process that ensures consistent application of these Guidelines across all jurisdictions in Canada when dealing with new residential development, infill, and conversions.

RECOMMENDATION:

The Model Review Process for New Residential Development, Infill and Conversions in Proximity to Railway Corridors is outlined in **FIGURE 19**. It is meant to ensure clarity with respect to how railways are to be involved in a meaningful way at the outset of a planning process. Ultimately, the goal is to achieve a much greater level of consistency in the way proposals for new residential development in proximity to railway corridors are evaluated and approved across all Canadian provinces and territories.

The proposed process recognizes that there will be many sites that can easily accommodate the standard mitigation recommended by the railways. In instances where this is the case, it is expected that standard mitigation will be proposed. In urban areas land values and availability have placed greater development pressure on smaller sites close to railway corridors. These sites are less likely to be able to accommodate a standard berm and setback. In this case, a Development Viability Assessment report will be required.¹

¹ Again, this report does not recommend that all sites are appropriate for residential development. In cases where the standard setback and berm cannot be accommodated, municipalities should carefully consider the viability of the site for conversion to residential,

This report, which is explained in detail in **APPENDIX A**, will provide a comprehensive assessment of the site conditions of the property in question, including an evaluation of any potential conflicts with the new development that may result from its proximity to the railway corridor. It will also evaluate any potential impacts on the operation of the railway as a result of the new development, both during the construction phase and afterwards. It will take into consideration details of the proposed development site, including topography, soil conditions, and proximity to the railway corridor; details of the railway corridor, including track geometry or alignment, the existence of junctions, and track speed; details of the proposed development, including the number of potential residents, proposed collision protection in the event of a train derailment; construction details; and an identification of the potential hazards and risks associated with development on that particular site. Municipalities will use the Development Viability Assessment to determine whether development is appropriate given the site conditions and potential risks involved.

An important component of the new process is the requirement for pre-application consultation with the relevant railway. This will be a critical step towards ensuring a smooth and expedited approval process, and will be an important opportunity to have a frank discussion about development options, as well as to resolve any potential conflicts. It will be during these pre-application consultations that a decision will be made regarding the capacity of the site to accommodate standard mitigation. Where a Development Viability Assessment is required, this will also be an important opportunity for the

based on criteria such as: existing contextual land use, size of site, appropriateness of high-density development, and the demonstrated effectiveness of alternative mitigation measures, as determined through the Development Viability Assessment.

1. Consideration of Applicable Policy
 2. Pre-application consultation with Railway & other approved authorities

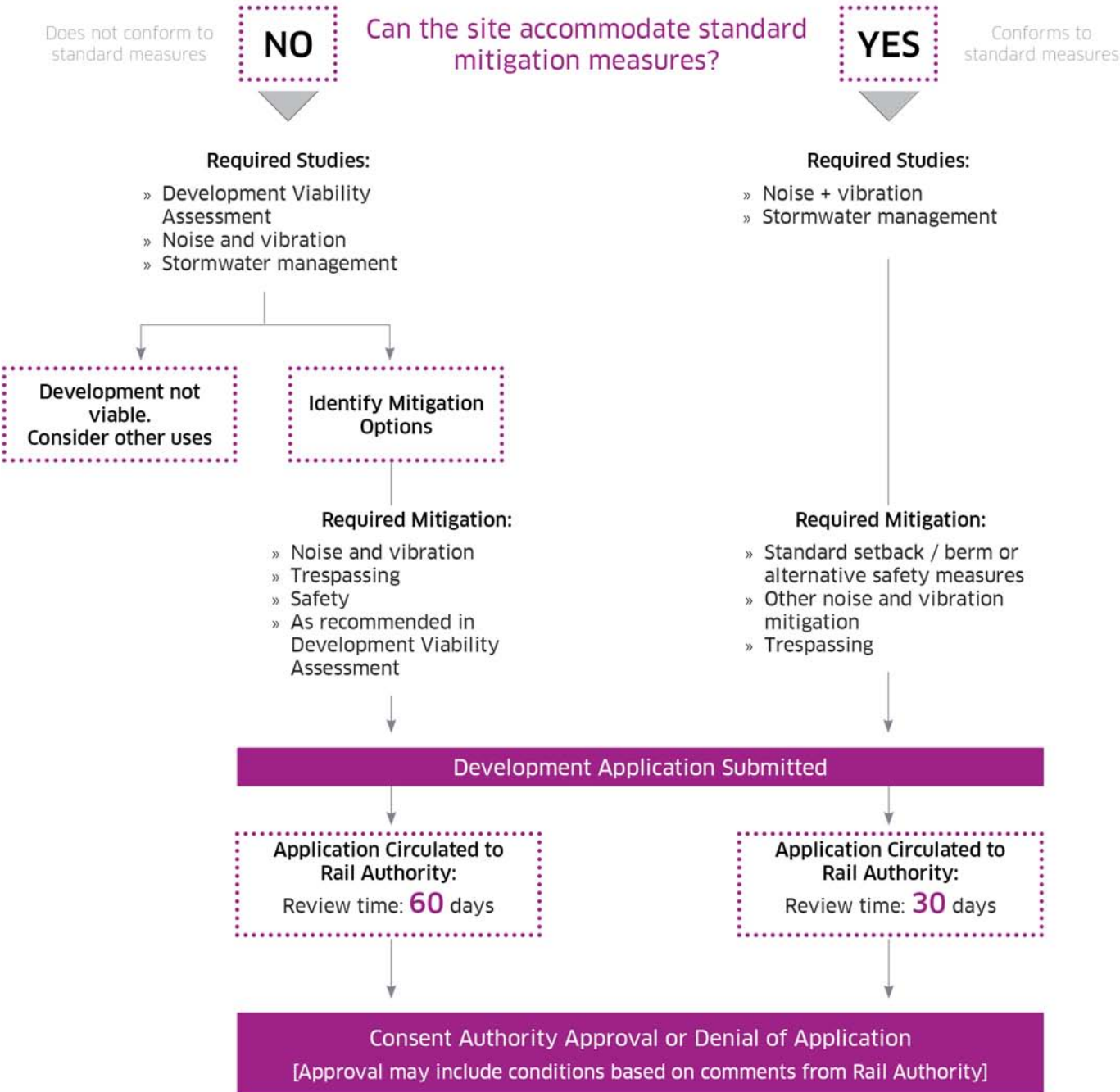


FIGURE 19 // MODEL REVIEW PROCESS FOR NEW RESIDENTIAL DEVELOPMENT, INFILL & CONVERSIONS IN PROXIMITY TO RAILWAY CORRIDORS

applicant to gain a better understanding of the process associated with developing one.

Once a development application has been submitted to the railway for review, it will have 30 days to respond (60 days in cases where a Development Viability Assessment has been required), and indicate any conditions for consideration and negotiation. The final decision as to whether or not to impose those conditions will lie with the approval authority (usually the municipality).

The Model Review Process for New Residential Development, Infill & Conversions in Proximity to Railway Corridors should be adopted by provincial governments, potentially through amendments to existing planning legislation, in order to ensure its consistent application across all municipalities. However, in the absence of provincial interest, the process could be adopted as a bylaw at the municipal level. It is recommended that this process be applicable to any residential development located on land within 300 metres of a railway right-of-way where an official plan amendment, plan of subdivision, or zoning bylaw amendment is required.

4.1.2 Mitigation Infrastructure Maintenance Strategy

OBJECTIVE:

Ensure a consistent and sensible approach to the future maintenance of mitigation infrastructure.

RECOMMENDATION:

Responsibility for the maintenance of berms, chainlink fences, and sound walls should be allocated as follows:

- Landowners should be responsible for maintaining the fence, the sound wall, and that portion of the berm contained within their site.

- In cases where a sound wall is erected, the portion of the berm situated on the side adjoining the railway corridor should be maintained by the railway. However, this should only occur if the property under that part of the berm becomes the property of the railway and has been exempted from all municipal property taxes as a concession to the railways for taking on a maintenance responsibility.

4.2 // ADVANCING STAKEHOLDER ROLES

OBJECTIVE:

To establish clarity regarding the roles and responsibilities of various stakeholders involved in reducing railway proximity issues.

RECOMMENDATIONS:

4.2.1 Federal

- The federal government and the Canadian Transportation Agency are encouraged to use and have regard for this report in proximity dispute investigations with respect to new developments built close to railway operations, and in the development and implementation of any related guidelines, to facilitate a more comprehensive approach that appropriately considers the land use planning framework for new developments along with the rail operations issues.

4.2.2 Provincial

- Provincial Authorities should consider revising their land use planning legislation to incorporate mandatory requirements for early consultations between municipalities, railways, and landowners in advance of

proposed land use or transportation changes, projects, or works within 300 metres of railway operations. The objective of doing so is to facilitate a collaborative approach to site development.

- Provincial Authorities should consider requiring mandatory notice to railways in the case of proposed official plans or official plan amendments, plans of subdivision, zoning by-laws, holding by-laws, interim control by-laws, and/or consent to sever lands, where the subject lands fall within 300 metres of railway operations.
- Provincial Authorities may also wish to empower their municipalities with stronger site plan controls where appropriate, such as:
 - » control of materiality;
 - » site layout and design; and
 - » road widening and land conveyances.
- Provincial Authorities should consider establishing a provincial noise guideline framework that sets impact study requirements (how and when to assess noise sources), and establishes specific sound level criteria for noise sensitive land uses.
- Provincial Authorities should consider amendments to their building codes that support extra mitigation for developments near railway corridors, such as:
 - » vibration isolation & foundation design,
 - » balcony design,
 - » podium design,
 - » drainage,
 - » appropriate fenestration, and

- » door placement and materiality.

- Provincial Authorities should monitor compliance with relevant regulations and sanction their breach.

4.2.3 Municipal

- Municipalities, land developers, property owners and railways all need to place a higher priority on information sharing and establishing better working relationships both informally and formally through consultation protocols and procedures.
- Municipalities should ensure that planning staff are aware of and familiar with any applicable policies for development in proximity to railway operations (e.g. railway policies and/or guidelines).
- Municipalities are encouraged to provide clear direction and strong regulatory frameworks (e.g. through District Plans, Official Plans, Official Community Plans, Zoning By-laws, etc) to ensure that land development respects and protects rail infrastructure and will not lead to future conflicts. This may include:
 - » Undertaking a comprehensive evaluation of land uses in proximity to railway operations, with a view to minimizing potential conflicts due to proximity, including those related to safety, vibration, and noise. For example, residential development may not be appropriate in low-density areas where lot sizes preclude the possibility of incorporating standard mitigation measures. Additionally, schools or commercial uses located across a railway corridor from residential uses are likely to result in trespassing issues if there are no public crossings in the immediate vicinity;

- » Establishing a clear process for evaluating the viability of development proposals on sites that cannot accommodate standard mitigation measures, with a view to determining the appropriateness of the development, and identifying appropriate alternate mitigation measures. See **Section 4.1.1** for recommendations on a Development Viability Assessment;
 - » Establishing implementation mechanisms for mitigation measures, including long-term maintenance requirements if applicable (e.g. legal agreements registered on title). See **Section 4.1.2** for recommendations on a Mitigation Infrastructure Maintenance Strategy;
 - » Undertaking a comprehensive review of site access and railway crossings with a view to ensuring adequate site access setbacks from at-grade crossings (to prevent vehicular blockage of crossings), protecting at-grade road/rail crossing sightlines, implementing crossing improvements, and discouraging new at-grade road crossings;
 - » Entrenching in policy the protection of railway corridors and yards for the movement of freight and people, including allowing for future expansion capacity, if applicable;
 - » Planning and protecting for future infrastructure improvements (e.g. grade separations and rail corridor widenings); and
 - » Respecting safe transportation principles. For example, the assessment of new, at-grade rail crossings should consider safe community planning principles and whether other alternatives are possible, not just simply whether a crossing is technically feasible.
- Municipalities are encouraged to use their planning policy and regulatory instruments (e.g. District Plans, Official Plans, Official Community Plans, Secondary Plans, Transportation Plans, Zoning By-laws/Ordinances, etc.) to secure appropriate railway consultation protocols as well as mitigation procedures and measures.
 - As soon as planning is initiated or proposals are known by municipalities, notification and consultation should be initiated for:
 - » Development or redevelopment proposals within 300 metres of rail operations, or for proposals for rail-serviced industrial parks; and
 - » Infrastructure works, which may affect a rail facility, such as roads, utilities, etc.
 - Municipal Authorities should consider amendments to their municipal regulatory documents (e.g. Official Plan, Official Community Plan, etc.) as required to implement mandatory noise and vibration studies for developments near railway operations, and to establish specific sound and vibration level criteria for sensitive land uses.
 - Municipal Authorities should consider zoning by-law amendments as required to implement aspects of these guidelines, including securing appropriate mitigation measures.
- N.B.** A note of caution is required for any systematic zoning by-law amendment. Blanket zoning by-law amendments should only be used to implement portions of this study in areas municipalities have already identified for redevelopment. This should

be applied comprehensively and with study as to their affect. For example, it makes little sense to employ a 30 metre setback in areas that do not have lot depths which can support them. In many cases, it may be more desirable for municipalities to secure mitigation measures in a site-specific manner, through the use of the Development Viability Assessment Tool. However, in employing such an approach, Municipal Planners should be mindful to secure appropriate mitigation measures in a site-specific by-law.

- Municipalities should consider and respect the plans, requirements, and operating realities of railways and work cooperatively with them to increase awareness regarding the railway legislative, regulatory, and operating environment, and to implement consultation planning protocols and procedures for land development proposals and applications.
- Municipalities should work with railways and other levels of government to increase coordination for development approvals that also require rail regulatory approvals (e.g. new road crossings) to ensure that the respective approvals are not dealt with in isolation and/or prematurely.
- Municipalities should be aware of and implement, where feasible, Transport Canada's safety recommendations with respect to sightlines for at-grade crossings. The recommendations include a minimum 30 metre distance between the railway right-of-way and any vehicular ingress/egress. In addition, trees, utility poles, mitigation measures, etc. are not to block sightlines or views of the crossing warning signs or systems.
- Municipal Authorities should consider developing

Urban Design Guidelines for infill development near railway corridors. This document already contains a number of suggestions on what such a document could include and how it could be usefully employed.

4.2.4 Railway

- Municipalities, land developers, property owners and railways all need to place a higher priority on information sharing and establishing better working relationships both informally and formally through consultation protocols and procedures.
- As soon as planning is initiated or proposals are known by railways, communication should be initiated to discuss:
 - » transportation plans that incorporate freight transportation issues; and
 - » all new, expanded, or modified rail facilities.
- Railways are encouraged to be proactive in identifying, planning, and protecting for the optimized use of railway corridors and yards.
- Railways are encouraged to develop and/or modify company procedures and practices with respect to increased consultation and formal proximity issues management protocols with the following guidance:
 - » Undertake consultation for projects prior to seeking CTA approval;
 - » When new facilities are built or significant expansions are undertaken, implement on-going community advisory panel discussions with regular meetings. Such panels typically include representation from the railway, the municipality, the community, other levels of government, if applicable, and possibly industry; and,

- » Railway initiation of long-term business and infrastructure planning exercises, in consultation with municipalities, can facilitate stronger and more effective relationships and partnerships.
- Railways are encouraged to work with municipalities, landowners, and other stakeholders in evaluating and implementing appropriate mitigation measures, where feasible, with respect to new rail facilities located in proximity to existing sensitive development.
- Railways should work cooperatively with municipalities to increase awareness regarding the railway legislative, regulatory, and operating environment.
- Railways should utilize opportunities to get involved in land-use planning processes and matters. Municipal planning instruments can be effective tools in implementing, or at least facilitating the implementation, of long-term rail transportation planning objectives.
- Railways are encouraged to work with industry associations and all levels of government to establish standardized agreements and procedures with respect to all types of crossings.
- Railways are encouraged to pursue implementation of the RAC Railroad Emission Guidelines (See **AE.1.1** for more information).
- Railways are encouraged to integrate transportation planning involving provincial, municipal, Port Authorities, and multiple railways, which is critical to balancing rail capacity upgrades, minimizing community impacts, and ensuring that economic benefits occur.

4.2.5 Land Developer/Property Owner

- Ideally, prospective land developers should consult with the appropriate railway prior to finalizing any agreement to purchase a property in proximity to railway operations. Otherwise, property owners should consult with municipalities and railways as early as possible on development applications and proposals to ensure compliance with policies, guidelines, and regulations, and in order to fulfill obligations of development approvals.
- Enter into agreements with municipalities and/or railways as required to ensure proximity issues are addressed now and into the future and comply with those requirements.
- Property owners should be informed, understand, acknowledge, and respect any mitigation maintenance obligations and/or warning clauses.

4.2.6 Real Estate Sales/Marketing and Transfer Agents

- Real estate sales people and property transfer agents should ensure that potential purchasers are made fully aware of the existence and nature of rail operations and are aware of and understand the mitigation measures to be implemented and maintained.

4.2.7 Academia and Specialized Training Programs

- These institutions should ensure that curriculums incorporate the latest research available to provide future land use planners, land developers, and railway engineers with better and more comprehensive tools and practices to anticipate and prevent proximity conflicts.

4.2.8 Industry Associations

- FCM, having undertaken to produce these guidelines, should continue to act as their steward. As such, a comprehensive strategy should be established to disseminate them to provincial and municipal planners and regulatory bodies, railways, developers, and other property owners. A component of this strategy may include integration at professional events and conferences. A key objective will be to promote their integration into regulatory policy frameworks.
- Other industry associations should ensure their membership is informed and involved in the latest research and proactively engaged in raising awareness and educating their members through seminars and other training programs.

4.3 // DISPUTE RESOLUTION

4.3.1 Background

In the vast majority of cases in Canada, railway company tracks and their stakeholder neighbours coexist seamlessly. However, disputes between railways and stakeholders can occasionally occur. These disputes provide insight into the issues that some stakeholders have experienced with noise, vibration, accidents, historical land use conflicts, and a variety of site-specific conditions that can result from railway operations. These disputes are often expressed through letters of complaint directed to railway, municipal and federal government officials, appeals to the Ontario Municipal Board, court cases, as well as complaints before the Canadian Transportation Agency (Agency).

4.3.2 Local Dispute Resolution Framework

In most disputes, complainants and railways can independently resolve matters by negotiating agreements amongst themselves. Stakeholders are encouraged to have regard for and utilize, where applicable, the Local Dispute Resolution Framework established by the RAC/FCM Dispute Resolution Subcommittee. This dispute resolution process should be considered prior to involving the Agency.

A. The following guiding principles should be considered through the local dispute resolution process:

1. Identify issues of concern to each party.
2. Ensure representatives within the dispute resolution process have negotiating authority. Decision making authority should also be declared.
3. Establish in-person dialogue and share all relevant information among parties.

B. Dispute Resolution Escalation Process

Municipal and railway representatives should attempt resolution in an escalating manner as prescribed below, recognizing that each of these steps would be time consuming for all parties.

1. Resolve locally between two parties using the Generic Local Dispute Resolution Process.
2. Proceed to third-party mediation/facilitation support if resolution not achieved.
3. Proceed to other available legal steps.

C. Generic Local Dispute Escalation Process

1. Face-to-face meeting to determine specific process steps to be used in resolution attempt. A Community Advisory Panel formation should be considered at this point.
2. Determination of which functions and individuals will represent the respective parties. Generally this would include the municipality, the railway, and other appropriate stakeholders.
3. Issue identification:
 - a) Raised through community to railway. This type of issues could be the result of an unresolved outstanding proximity issue, operational modifications, or changes in rail customer operation (misdirected to railway).
 - b) Planned railway development that may impact community in the future.
 - c) Raised through the railway to community. This type of issue could be the result of a municipal government action (rezoning, etc.).
4. Exploration of the elements of the issue. Ensure each party is made aware of the other's view of the issue – a listing of the various aspects/impacts related to the issue.
5. Consult any existing relevant proximity guidelines or related best practices (e.g. this report).
6. Face-to-face meetings between parties representing the issue to initiate dialogue for dispute resolution process. Education, advocacy of respective positions.

7. Attempt compromise/jointly agreed solution. (If not proceed to step B2 above).
8. For Jointly agreed solutions; determine necessary internal, external communication requirements and or requisite public involvement strategies for implementation of compromise.

4.3.3 The Canadian Transportation Agency's Mandate on Noise & Vibration

4.3.3.1 Agency Mandate Under the Canadian Transportation Act (CTA)

The Agency is a quasi-judicial administrative tribunal of the federal government that can assist individuals, municipalities, railways, and other parties in resolving disputes.

The amendments to the Act now authorize the Agency to resolve complaints regarding *noise and vibration* caused by the construction and operation of railways under its jurisdiction.

Section 95.1 of the CTA states that a railway shall cause only such noise and vibration as is reasonable, taking into account:

- its obligations under sections 113 and 114 of the CTA, if applicable;
- its operational requirements; and
- the area where the construction or operation is taking place.

If the Agency determines that the noise or vibration is not reasonable, it may order a railway to undertake any change in its railway construction or operation that the Agency considers reasonable to comply with the noise and vibration provisions set out in section 95.1 of the

CTA. Agency decisions are legally binding on the parties involved, subject to the appeal rights.

The amendments to the CTA also grant power to the Agency to mediate or arbitrate certain railway disputes with the agreement of all parties involved, and in some cases in matters that fall outside of the Agency's jurisdiction.

The Agency has developed *Guidelines for the Resolution of Complaints Concerning Railway Noise and Vibration* (Guidelines) They explain the process to be followed and include a complaint form, and can be found through the following link: www.otc-cta.gc.ca/eng/rail-noise-and-vibration-complaints.

4.3.4 Collaborative Resolution of Complaints

The CTA specifies that before the Agency can investigate a complaint regarding railway noise or vibrations, it must be satisfied that the collaborative measures set out in the Guidelines have been exhausted.

Collaboration allows both complainants and railways to have a say in resolving an issue. A solution in which both parties have had input is more likely to constitute a long-term solution and is one that can often be implemented more effectively and efficiently than a decision rendered through an adjudicative process.

Under the Agency's Guidelines, collaborative measures are expected to be completed within 60 days of the railway receiving a written complaint - unless the parties agree to extend the process (The railway must respond to a written complaint within 30 days, and agree on a date within the following 30 days to meet and discuss the resolution of the complaint). To satisfy the collaborative measures requirements of the CTA, the following measures must be undertaken:

- Direct communication shall be established among the parties.
- A meaningful dialogue shall take place.
- Proposed solutions shall be constructive and feasible.
- Facilitation and mediation shall be considered.

Mediation is a collaborative approach to solving disputes in which a neutral third party helps to keep the discussion focused and assists the parties in finding a mutually beneficial solution. The parties jointly make decisions to resolve the disputed issues and ultimately determine the outcome. The mediation process is described below.

4.3.4.1 Mediation

Mediation has successfully resolved disputes with major rail and air carriers, airport authorities, and private citizens. It provides an opportunity for the parties involved to understand each other's perspective, identify facts, check assumptions, recognize common ground, and test possible solutions.

Mediation is an informal alternative to the Agency's formal decision-making process. It can be faster and less expensive, with the opportunity to reach an agreement that benefits both sides. Mediation tends to work well in disputes involving several major transportation service providers. In fact, a number of carriers have mentioned in recent years that they consider mediation their first alternative for dispute resolution.

To initiate a mediation process, contact the Agency and it will contact the other parties to determine if they are willing to participate. If all parties agree to join the process, an Agency-appointed mediator will manage the process. Discussions will take place in an informal setting. Collectively, all of the conflicting issues are addressed in

an attempt to negotiate a settlement.

Mediation must take place within a 30-day statutory deadline, which is much shorter than the 120-day deadline established in the CTA for the Agency's formal dispute-resolution process. The deadline can be extended if all parties agree. A settlement Agreement that is reached as a result of mediation may be filed with the Agency and, after filing, is enforceable as if it were an Order of the Agency. A complete description of the mediation process can be found on the Agency's web site.

All mediation discussions remain confidential, unless both parties agree otherwise. If the dispute is not settled and requires formal adjudication, confidentiality will be maintained and the mediator will be excluded from the formal process.

4.3.4.3 Filing a Complaint with the Agency

The Agency will only conduct an investigation or hear a complaint once it is satisfied that the parties have tried and exhausted the collaborative measures set out above. Should one of the parties fail to collaborate, the Agency may accept the filing of a complaint before the expiry of the above-noted 60 day collaborative period.

In cases where the parties are not able to resolve the issues between themselves or by way of facilitation or mediation, a complaint may be filed with the Agency requesting a determination under the formal adjudication process. The complaint must include evidence that the parties have tried and exhausted, or that one of the parties has failed to participate in, the collaborative measures set out above.

Formal complaints may be filed by individuals, institutions, local groups, or municipalities. When the Agency reviews a complaint, it will ensure that the municipal government

is informed of the complaint and will seek its comments.

To avoid reviewing numerous complaints for the same concern(s), the Agency encourages complainants to consult others potentially affected before filing a complaint. This may save time and effort for all parties.

For such group complaints, parties should confirm the list of complainant(s) and who is represented under the group; provide contact information and evidence of authorization to represent; provide a list of the members of the association and their contact information, where there is an organization/association; provide, in the case of an organization/association, the incorporation documents and the a description of the organization/association and its members' interest in the complaint.

The *Guidelines for the Resolution of Complaints Concerning Railway Noise and Vibration* are primarily meant to address noise and vibration disputes with regard to existing railway infrastructure or facilities. For railway construction projects that require Agency approval under subsection 98(1) of the CTA, railways must evaluate various issues, including noise and vibration.

4.3.4.4 Formal Process

In accordance with its General Rules, after receiving a complaint, the Agency ensures that each interested party has the opportunity to comment on the complaint and any disputed issues. In general, the Agency invites the other interested parties to file their answer within 30 days, and then allows the complainant 10 days to reply.

Both complainants and railways are responsible for presenting evidence to support their position before the Agency. The Agency may pose its own questions, request further information, and conduct a site visit

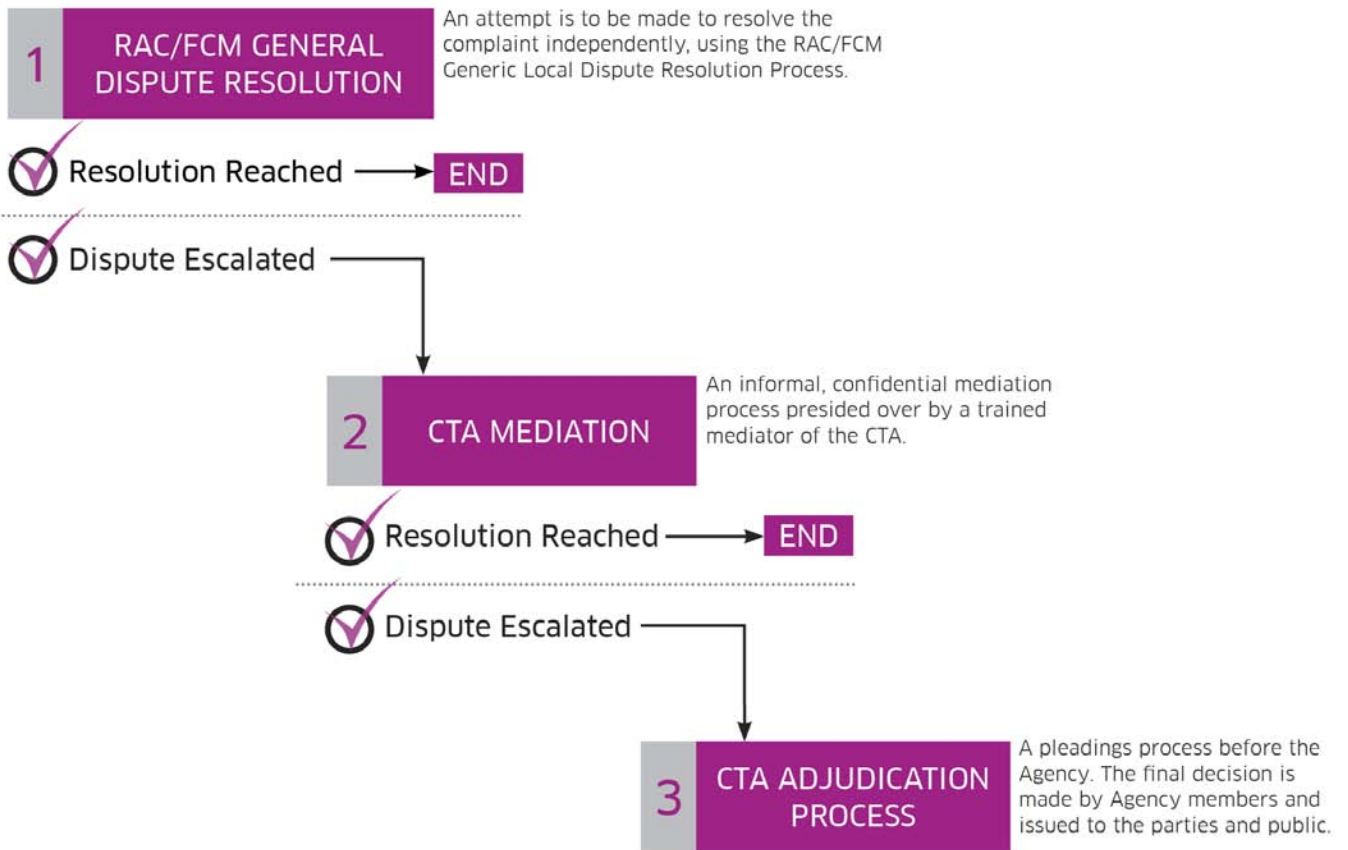


FIGURE 20 // DISPUTE RESOLUTION PROCESS

investigation where necessary.

As an impartial body, the Agency cannot prepare or document a complaint nor can it provide funding to any party for the preparation of a complaint, answer, or reply. The Agency reviews all evidence that it has obtained through its investigation to develop a comprehensive understanding of the circumstances of each case, before rendering its decision or determination.

The Agency strives to process complaints within 120 days of receiving a complete application. However, given the complexities or the number of parties involved in some noise or vibration complaints, this goal may not always be met. In such cases, the Agency will act as expeditiously as possible. Parties are encouraged to continue to work together to seek a resolution even though a complaint may be before the Agency.

When the Agency has reached a decision, the Agency provides it to all parties of the case and posts it on its public web site.

4.3.4.5 More Information

Canadian Transportation Agency
Ottawa, Ontario K1A 0N9
Telephone: 1-888-222-2592
TTY: 1-800-669-5575
Facsimile: 819-997-6727
E-mail: info@otc-cta.gc.ca
Web site: www.cta.gc.ca

For more information on the CTA, the Agency and its responsibilities, or Agency Decisions, and Orders, you can access the Agency's web site at www.cta.gc.ca.

Web site addresses and information on the Agency are subject to change without notice and were accurate at the time of publication. For the most up-to-date information, visit the Agency's web site.



PHOTO SOURCE: RAILWAY ASSOCIATION OF CANADA





5

CONCLUSION

5.0 // CONCLUSION

As the shift continues towards curbing urban sprawl and intensifying existing built-up areas, lands close to railway corridors will continue to become more desirable for development.

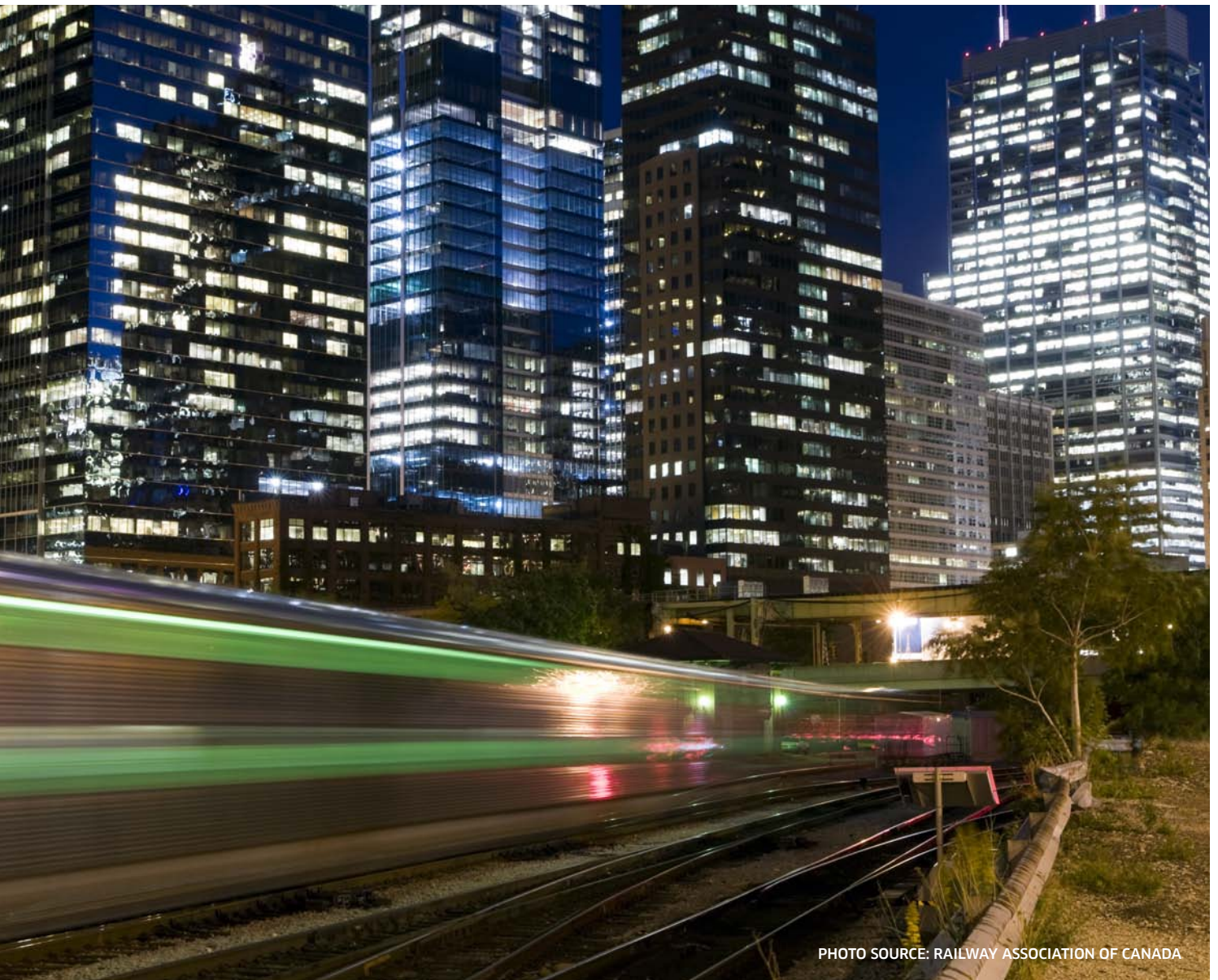


PHOTO SOURCE: RAILWAY ASSOCIATION OF CANADA

The proximity guidelines provided here are intended to help anticipate potential conflicts, improve awareness of development issues around railway operations, and clarify the requirements for new development in proximity to railway operations and activities. They provide strategies that will help to reduce misunderstanding and avoid unnecessary conflicts arising between railway operations and nearby new development. The guidelines further provide recommendations to promote a higher level of consistency nationwide with respect to new development approval processes as well as the design of new development projects in proximity to railway operations and their respective mitigation measures.

Topics covered include:

- Common issues and constraints;
- A series of guidelines addressing mitigation design, consultation, setbacks, noise, vibration, safety barriers, security fencing, stormwater management and drainage, warning clauses and other legal agreements, and construction issues;
- Understanding of stakeholder roles; and
- Implementation.

Additionally, the report appendices contain the following:

- A Development Viability Assessment;
- A sample rail classification system;
- Noise and vibration procedures and criteria;
- Recommendations for the evaluation of new rail facilities or significant expansions to existing rail facilities in proximity to residential or other sensitive land uses; and
- A series of national and international best practices.

Careful consideration has been given to provide a balanced approach to new development in proximity to railway corridors that provides a thoughtful response to site-specific constraints, safety, and land-use compatibility. Ultimately it is in the interest of the public and all other parties involved to ensure that when new development is deemed to be appropriate near a railway corridor, the mitigation measures outlined in this report are taken to ensure they are both compatible and safe.

The various stakeholders identified are encouraged to review and establish or update, as necessary, their respective planning instruments and company practices/procedures. Opportunities should be explored to inject these guidelines into relevant curriculum at education institutions teaching land use planning, civil engineering, and railway engineering, as well as disseminating this information through relevant professional associations.



APPENDICES

APPENDIX A	Development Viability Assessment
APPENDIX B	Sample Rail Classification System
APPENDIX C	Noise & Vibration Procedures & Criteria
APPENDIX D	New Rail Facilities & Significant Expansions in Proximity to Residential or Other Sensitive Uses
APPENDIX E	Best Practices
APPENDIX F	Glossary
APPENDIX G	Links & Other Resources
APPENDIX H	List of Stakeholders Consulted
APPENDIX I	References

APPENDIX A //
DEVELOPMENT
VIABILITY
ASSESSMENT

APPENDIX

GUIDELINES FOR NEW DEVELOPMENT IN PROXIMITY TO RAILWAY OPERATIONS

AA.1 // INTRODUCTION

Development of residential structures in proximity to railway corridors can pose many challenges, particularly in terms of successfully mitigating the various vibration, noise, and safety impacts associated with railway operations. The standard mitigation measures, illustrated below, have been designed to provide proponents with the simplest and most effective solution for dealing with these common issues.

However, in some cases, particularly in already built-up areas of the country's largest cities, development proposals will be put forward for smaller or constrained sites that are not able to accommodate these measures, particularly the full setback and berm. In cases where municipalities have already determined that residential is the best use for these sites, such proposals will be subject to a Development Viability Assessment, the intent of which is to evaluate any potential conflicts that may result from the proximity of the development to the neighbouring rail corridor, as well as any potential impacts on the operation of the railway as a result of the new development, both during the construction phase and afterwards. The proposed development will not be permitted to proceed unless the impacts on both the railway and the development itself are appropriately managed and mitigated. It must be noted that the intention of the Development Viability Assessment tool is not to justify the absence of mitigation in any given development proposal. Rather, it is to allow for an assessment based on the specific and inherent characteristics of a site, and therefore, the identification of appropriate mitigation measures.

As such, the Development Viability Assessment is a tool to assist developers who cannot accommodate standard mitigation measures in assessing the viability of their

site for development and in designing the appropriate mitigation to effectively address the potential impacts associated with building near railway operations. The development viability assessment exercise, which should be carried out by a qualified planner or engineer in close consultation with the affected railway, must:

- i. identify all potential hazards to the operational railway, its staff, customers, and the future residents of the development;
- ii. take into account the operational requirements of the railway facilities and the whole life cycle of the development;
- iii. identify design and construction issues that may impact on the feasibility of the new development;
- iv. identify the potential risks and necessary safety controls and design measures required to reduce the risks to the safety and operational integrity of the railway corridor and avoid long-term disruptions to railway operations that would arise from a defect or failure of structure elements; and
- v. identify how an incident could be managed if it were to occur.

It is strongly recommended that proponents consult with the affected railway when preparing a Development Viability Assessment to ensure that all relevant matters are addressed.

This document establishes the minimum generic requirements that must be addressed as part of a Development Viability Assessment accompanying a development application for land in proximity to railway operations. Proponents should note that there

may be additional topics that will need to be addressed in a Development Viability Assessment, depending on the unique nature of the subject site and proposed development. These additional topics should be determined in consultation with the affected railway and local municipality.

Municipalities should use the results of the Development Viability Assessment to determine whether proposed mitigation measures are appropriate.

The following sections outline basic content requirements for a standard Development Viability Assessment.

AA.2 // SITE DETAILS

The Assessment must include a detailed understanding of the conditions of the subject site in order to generate a strong understanding of the context through which conflicts may arise. At a minimum, the factors to be considered are:

- i. site condition (cutting, embankments, etc.);
- ii. soil type, geology;
- iii. topography;
- iv. prevailing drainage patterns over the site; and
- v. proximity to the railway corridor and other railway infrastructure/utilities.

AA.3 // RAILWAY DETAILS

It is imperative that details of the railway corridor (or other facility) itself also be evaluated in order to properly determine the potential conflicts associated with a new development in close proximity to railway activities. At a minimum, the factors to be considered are:

- i. track geometry and alignment (i.e. is the track straight or curved?);
- ii. the existence of switches or junctions;
- iii. track speed, including any potential or anticipated changes to the track speed;
- iv. derailment history of the site and of other sites similar in nature;
- v. current and future estimated usage and growth in patronage (10-year horizon);
- vi. details of any future/planned corridor upgrades/works, or any protection of the corridor for future expansion, where no plans are in existence; and
- vii. topography of the track (i.e. is it in a cut, on an embankment, or at grade?).

AA.4 // DEVELOPMENT DETAILS

Details of the development itself, including its design and operational components, are important in understanding whether the building has been designed to withstand potential conflicts as a result of the railway corridor, as well as ensuring that the new development will not pose any adverse impacts upon the railway operations and infrastructure. At a minimum, the following information must be provided:

- i. proximity of the proposed development to the railway corridor or other railway infrastructure;
- ii. clearances and setbacks of the proposed development to the railway corridor; and
- iii. any collision protection features proposed for the new development, to protect it in the case of a train derailment.

AA.5 // CONSTRUCTION DETAILS

While it is understood that construction details will not be finalized at the development application stage, there are a number of impacts associated with construction on a site in proximity to a railway corridor that need to be considered prior to development approval. These construction impacts need to be considered as part of the Development Viability Assessment. This portion of the assessment is intended to ensure that the railway corridor, infrastructure, staff, and users can be adequately protected from activities associated with the construction of the development. At a minimum, the following information must be provided:

- i. corridor encroachment - provide details with regard to:
 - a. whether access to the railway corridor will be required;
 - b. whether any materials will be lifted over the railway corridor;
 - c. whether any temporary vehicle-crossing or access points are required; and
 - d. whether there will be any disruption to services or other railway operations as a result of construction;

Generally, encroachment within a railway corridor for construction purposes is not permitted and alternative construction options will need to be identified.

- i. provide details of how the security of the railway corridor will be maintained during construction, (i.e. by providing details about the type and height of security fencing to be used);

- ii. provide details of any planned demolition, excavation and retaining works within 30 metres of the railway corridor and specify the type and quantity of works to be undertaken;
- iii. services and utilities - provide details of:
 - a. whether any services or utilities will be required to cross the railway corridor; and
 - b. whether any existing railway services/ utilities will be interfered with; and
- iv. stormwater, drainage, sediment, and erosion control - provide details of how any temporary stormwater and drainage will operate during construction, and how sediment and erosion control will be managed.

AA.6 // IDENTIFY HAZARDS AND RISKS

Once details unique to the site, railway corridor, development design, and construction have been determined, the individual risks must be identified and evaluated with individual mitigation measures planned for each. Such risks may include injury or loss of life and damage to public and private infrastructure. At a minimum, consideration must be given to:

- i. the safety of people occupying the development and the potential for the loss of life in the event of a train derailment;
- ii. potential structural damage to the proposed development resulting from a collision by a derailed train; and
- iii. the ability of trespassers to enter into the railway corridor.

APPENDIX B //
SAMPLE RAIL
CLASSIFICATION
SYSTEM

The following table is a general sample classification of rail line types. Proponents are advised to consult with the relevant railway to obtain information on the classification, traffic volume, and traffic speed, of the railway lines in proximity to any proposed development. Contact information for railways is available from the Proximity Project's website (see APPENDIX G).

SAMPLE RAIL CLASSIFICATION SYSTEM* (*TO BE CONFIRMED BY RELEVANT RAILWAY)

Main Line (<i>typically separated into "Principal" and "Secondary" Main Line</i>)	<ul style="list-style-type: none"> • Volume generally exceeds 5 trains per day • High speeds, frequently exceeding 80 km/h • Crossings, gradients, etc. may increase normal railway noise and vibration
Branch Line	<ul style="list-style-type: none"> • Volume generally has less than 5 trains per day • Slower speeds usually limited to 50 km/h • Trains of light to moderate weight
Spur Line	<ul style="list-style-type: none"> • Unscheduled traffic on demand basis only • Slower speeds limited to 24 km/h • Short trains of light weight

APPENDIX C //
NOISE & VIBRATION
PROCEDURES &
CRITERIA

AC.1 // NOISE

The rail noise issue is site-specific in nature, as the level and impact of noise varies depending on the frequency and speed of the trains, but more importantly, the impact of noise varies depending on the distance of the receptor to the railway operations. The distance from rail operations where impacts may be experienced can vary considerably depending on the type of rail facility and other factors such as topography and intervening structures.

AC.1.1 // SOUND MEASUREMENT

The type of sound has a bearing on how it is measured. Typical sound level descriptors/metrics for non-impulsive sound events are summarized as follows:

- the A-weighted Sound Level (dBA) is an overall measurement of sound over all frequencies - but with higher weighting given to mid- and higher-frequencies - and provides a reasonable approximation of people's actual judgment of the loudness or annoyance of rail noise at moderate sound levels. Generally, an increase of 10dBA in sound level is equivalent to a doubling in the apparent loudness of the noise;¹
- the Equivalent Sound Level (Leq), measured in A-weighted decibels (dBA), is an exposure-based descriptor that reflects a receiver's cumulative noise exposure from all events over a specified period of time (e.g. 1 hour, 16 hour day, 8 hour night or 24 hour day). It is the value of the constant sound level that would result in exposure to the same total sound energy as would the specified time varying

sound, if the sound level persisted over an equal time interval. This is the commonly used descriptor for impact assessment purposes, and correlates well with the effects of noise on people;

- the Maximum Sound Level (Lmax) is the highest A-weighted sound level occurring during a single noise event. It is typically used in night-time emission limits, as a means of ensuring sleep protection.
- the Sound Exposure Level (SEL) describes the sound level from a single noise event and is used to compare the energy of noise events which have different time durations. It is equivalent to Leq but normalized to 1 second;
- Statistical Sound Levels (Ln%) describe the percentage of time a sound level is exceeded, for example L10%, L50%, etc
- Percent Highly Annoyed (%HA) is an indicator developed by Health Canada to assess the health implications of operational noise in the range of 45 - 75 dB. It is suggested that mitigation be proposed if the predicted change in %HA at a specific receptor is greater than 6.5% between project and baseline noise environments, or when the baseline-plus-project-related noise is in excess of 75 dB.²

1 Canada Mortgage and Housing Corporation. (1986). Road and rail noise: Effects on housing [Canada]: Author.

2 Health Canada. (2010). Useful information for environmental assessments. Retrieved from http://www.hc-sc.gc.ca/ewh-semt/alt_formats/hecs-sesc/pdf/pubs/eval/environ_assess-eval/environ_assess-eval-eng.pdf

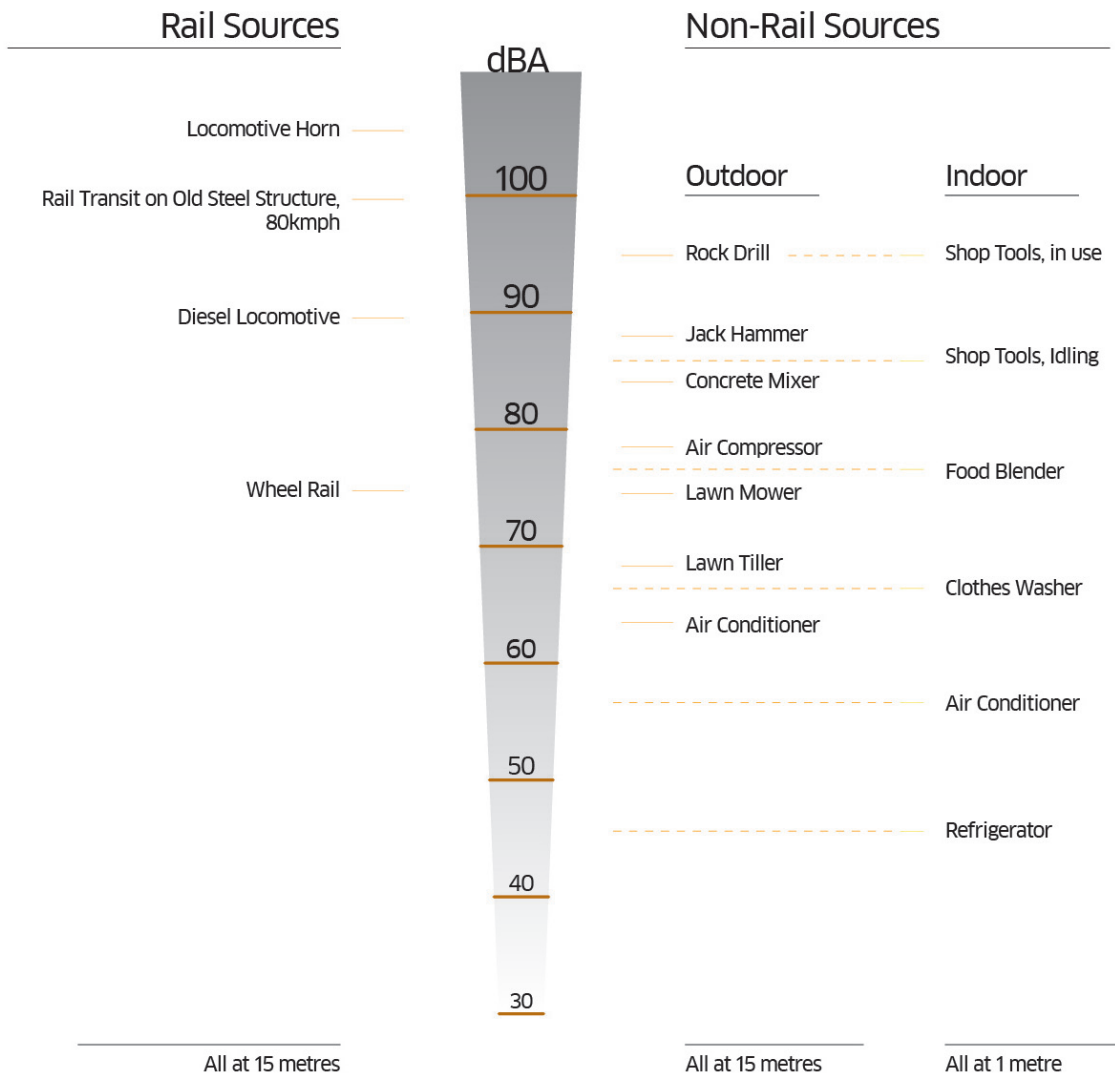


FIGURE 21 - TYPICAL TRANSIT AND NON-TRANSIT SOURCES OF NOISE, AND THEIR ASSOCIATED DBA (SOURCE: ADAPTED FROM FIGURE 2-11 IN TRANSIT NOISE AND VIBRATION IMPACT ASSESSMENT BY THE FEDERAL TRANSIT ADMINISTRATION).

AC.1.2 // SOURCES OF SOUND FROM RAILWAY OPERATIONS

Principal sources of noise from existing railway infrastructure include:

- wheels and rails;
- diesel locomotives – much of the noise is emitted at the top of the locomotive and in some cases the noise has a distinctive low-frequency character. Both of these factors make locomotive noise difficult to control by means of barriers such as noise walls or earth mounds, because they have to be quite high in order to break the line of sight, and therefore provide noise attenuation;
- special track forms, such as at switches, crossings, diamonds, signals, and wayside detection equipment, cause higher levels of noise and vibration and tend to be more impulsive;
- bridges and elevated structures due to the reverberation in the structures; and
- other sources including brake squeal, curve squeal, train whistling at railway crossings, bells at stations, shunting of rail cars, coupling, idling locomotives, compression or “stretching” of trains, jointed vs. welded tracks, and track maintenance.

AC.1.3 // RECOMMENDED PROCEDURES FOR THE PREPARATION OF NOISE ASSESSMENT REPORTS FOR NEW RESIDENTIAL OR OTHER SENSITIVE LAND USES IN PROXIMITY TO RAILWAY CORRIDORS

1. Studies should be undertaken by a qualified consultant using an approved prediction model.

2. Where studies are not economically or practically feasible, due for example to the scale of a development or the absence of an available mechanism to secure a study, reasonable and practical measures should be undertaken to minimize potential noise impacts, such as increased building setbacks, noise fencing, and building construction techniques (e.g. brick veneer, air conditioning), etc.
3. Obtain existing rail traffic volumes from railway.
4. Use most current draft plan/site plan and grading plans for analysis.
5. Escalate rail traffic volume data by 2.5% compounded annually for a minimum of 10 years, unless future traffic projections are available.
6. Conduct analysis at closest proposed sensitive receptor. The minimum setback distances based on the classification of the rail line, as specified by the railway should be used for the analysis (see Appendix B for a sample rail classification system). If the closest proposed residential receptor is at the greater distance than the minimum setback distance, then the greater distance may be used.
7. The analysis needs to be conducted at the following locations:
 - Outdoor amenity area receptor. This is usually in the rear yard at a point that is 3 m away from the rear wall of the house. This is typically a daytime calculation;
 - 1st, 2nd, and 3rd storey receptor for

low-rise dwellings. The nighttime calculation should be conducted at the façade where a bedroom could be located. The daytime calculation should be conducted at the façade where the living/dining/family areas could be located; and

- If the building is a multi-storey building the calculations should be conducted at the outdoor amenity areas and at the highest floor of the building.
8. The typical receptor heights are summarized below. These are to be used as a guide only. If the actual receptor heights are known they should be used.
 - Outdoor amenity area: 1.5 m above the amenity area elevation;
 - 1st storey receptor: 1.5 m above the 1st floor finished grade elevation;
 - 2nd storey receptor: 4.5 m above the 1st floor finished grade elevation; and
 - 3rd storey receptor: 7.5 m above the 1st floor finished grade elevation.
 9. The analysis should be conducted assuming a 16 hour day (LeqDay) and an 8 hour night (LeqNight).
 10. When no relief from whistling has been authorized they should be included in the analysis to determine the mitigation measures to achieve the indoor sound level limits. Whistles are not required to be included in the determination of sound barrier requirements.
 11. Any topographical differences between the source and receiver should be taken into account.
 12. The attenuation provided by dense, evergreen forest of more than 50 m in depth can also be included in the analysis (assuming it will remain intact).
 13. Intervening structures that may provide some barrier effect may also be included in the analysis.
 14. The results of this analysis should be compared to the applicable sound level limits listed in AC.1.4 to determine the required mitigative measures for both the outdoor amenity areas and the dwelling. Mitigative measures could include noise barriers, architectural and ventilation components (eg. brick veneer, air conditioning, forced air ventilation, window glazing requirements, etc.)
 15. The required sound barrier heights to achieve the guidelines at the outdoor amenity areas can be determined using an appropriate model. The relative location with respect to the source and the receiver is required as well as the grades of the tracks, barrier location, and receptor.
 16. The sound barrier needs to be designed taking into consideration the minimum safety requirements of the railway.
 17. The architectural component requirements must include the minimum requirements of the railways. The remainder of the components can be determined using the AIF procedures found in the CMHC publication, "Road and Rail Noise: Effects on Housing", (NHA 5156 08/86)

or the BPN 56 procedures found in the National Research Council publication “Building Practice Note 56, Controlling Sound Transmission into Buildings”, September 1995.

18. In preparing the report all of the above information must be included so that the report can be appropriately reviewed. In addition to the above, the report should include the following:

- Key plan;
- Site plan/draft plan;
- Summary of the rail traffic data, including the correspondence from the railways;
- Figure depicting the location of the sound barrier, including any extensions or wraparounds;

- Top of barrier elevations;
- Sample calculations with and without the sound barrier;
- Sample calculations of how the architectural requirements were determined;
- Summary table of lots/blocks/units requiring mitigation measures, including lots that require air conditioning and warning clauses; and
- Any other information relevant to the site and the proposed mitigation.

AC1.4 // RECOMMENDED NOISE CRITERIA FOR NEW RESIDENTIAL OR OTHER SENSITIVE LAND USES IN PROXIMITY TO FREIGHT RAILWAY CORRIDORS

TYPE OF SPACE	TIME PERIOD	SOUND LEVEL LIMIT Leq* (dBA) Rail**	OUTDOOR SOUND LEVEL LIMIT Leq * (dBA)
Bedrooms	2300 to 0700 hrs	35	50
Living/dining rooms	0700 to 2300 hrs	40	55
Outdoor Living Area	0700 to 2300 hrs	***55	N/A

* Applicable to transportation noise sources only.

** The indoor sound level limits are used only to determine the architectural component requirements. The outside façade sound level limits are used to determine the air conditioning requirements.

*** Mitigation is recommended between 55dBA and 60dBA and if levels are 60dBA or above, mitigation should be implemented to reduce the levels as close as practicable to 55dBA.

(SOURCE: ADAPTED FROM THE ONTARIO MINISTRY OF THE ENVIRONMENT LU-131 GUIDELINE)

AC.1.5 // RECOMMENDED PROCEDURES FOR THE PREPARATION OF NOISE IMPACT STUDIES FOR NEW RESIDENTIAL OR OTHER SENSITIVE LAND USES IN PROXIMITY TO RAIL YARDS

1. Studies should be undertaken by a qualified consultant.
2. Obtain information from the railway regarding the operations of the freight rail yard in question. This information should include existing operations as well as potential future modifications to the rail facility.
3. Obtain minimum sound levels to be used for each source from the railway, if available. These data should also be verified by on-site observations and on-site sound measurements.
4. Calculate the potential impact of all the sources at the closest proposed residential receptor. This should be at a minimum of 300 m from the closest property line of the freight rail yard.
5. The analysis should be conducted for the worst case hour (Leq 1hr).
6. The calculation may be conducted using ISO 2613-2 or other approved model.
7. Impulsive activities, such as train coupling/uncoupling and stretching should be analyzed using a Logarithmic Mean Impulse Sound Level (LLM) and not included as part of the 1 hour Leq.
8. The analysis may include any attenuation provided by permanent intervening structures as well as vegetation as set out by the prediction model. Topographical differences between the source and receiver should be taken into account.
9. Any tonal characteristics of the sound should be taken into consideration.
10. All analyses should take the proposed grading of the site as well as the grading at the rail yard, particularly when determining the sound barrier heights.
11. The source positions should be determined in consultation with the railway. They should be based on the most likely and reasonable location for that activity.
12. The consultant report shall include the following:
 - Key plan;
 - Site plan/draft plan of the proposed development;
 - Figure depicting the location of each of the sources modeled within the rail yard;
 - Summary table of the source sound levels used in the analysis;
 - Results of the predicted sound levels at various receptors;
 - Results of any on-site sound measurements;
 - Sample calculations with and without any proposed mitigation;
 - Summary table of all lots requiring mitigation;
 - Top of sound barrier elevations, if sound barriers are proposed; and
 - Any other information relevant to the site and the proposed mitigation.

13. The results of the analysis should be compared to the sound level criteria found in **AC.1.6**. Where an excess exists, mitigation that conforms to

applicable stationary source guidelines should be recommended.

AC.1.6 // RECOMMENDED NOISE CRITERIA - RESIDENTIAL OR OTHER SENSITIVE LAND USES IN PROXIMITY TO FREIGHT RAIL SHUNTING YARDS

TIME OF DAY	ONE HOUR Leq (dBA) OR L _{LM} (dBAI)	
	Class 1 Area	Class 2 Area
0700 - 1900	50	50
1900 - 2300	47	45
2300 - 0700	45	45

*These criteria are applicable to any usable portion of the lot or dwelling.

**Class 1 and 2 Areas refer to the typical acoustical environment that can be expected within the development zone. Class 1 Areas are acoustic environments dominated by an urban hum, and Class 2 Areas have the acoustic qualities of both Class 1 and Class 3 Areas (which are rural) For more information, refer to Section 2 of the LU-131 Guidelines issued by the Ontario Ministry of the Environment.

(SOURCE: ADAPTED FROM THE ONTARIO MINISTRY OF ENVIRONMENT LU-131 GUIDELINE)

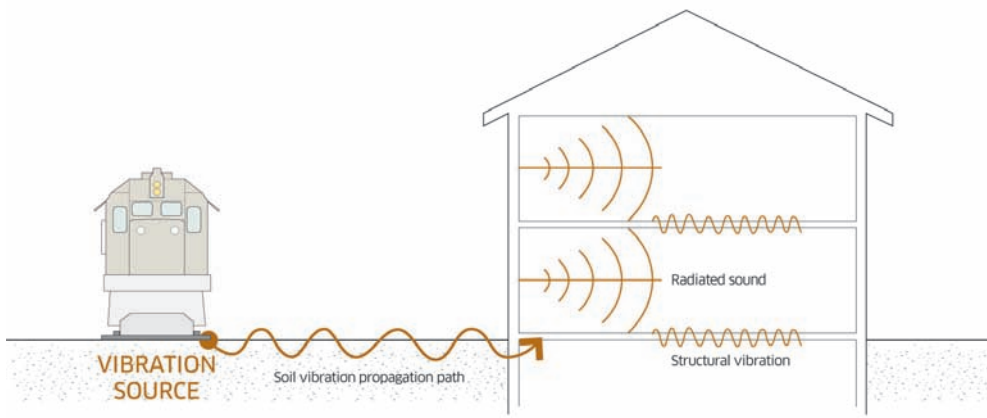


FIGURE 22 // GROUND-BORNE VIBRATION PROPAGATION (SOURCE: ADAPTED FROM FIGURE 7-1 IN TRANSIT NOISE AND VIBRATION IMPACT ASSESSMENT BY THE FEDERAL TRANSIT ADMINISTRATION).

AC.2 // VIBRATION

Vibration caused by passing trains is an issue that affects the structure of a building as well as the liveability of the units inside. In most cases, structural integrity is not a factor. Like sound, the effects of vibration are site-specific and are dependent on the soil and subsurface conditions, the frequency of trains and their speed, as well as the quantity and type of goods they are transporting.

Vibration is caused by the friction of the wheels of a train along a track, which generates a vibration energy that is transmitted through the track support system, exciting the adjacent ground and creating vibration waves that spread through the various soil and rock strata to the foundations of nearby buildings. The vibration can then disseminate from the foundation throughout the remainder of the building structure. Experience has shown that vibration levels only slightly above the human perception threshold are likely to result in complaints from residents.

Vibration in buildings in proximity to railway corridors can reach levels that may not be acceptable to building occupants for one or more of the following reasons:

- irritating physical sensations that vibration may cause in the human body;
- interference with activities such as sleep, conversation, and work;
- annoying noise caused by “rattling” of windowpanes, walls, and loose objects. Noise radiated from the motion of the room surfaces can also create a rumble. In essence, the room acts like a giant loudspeaker;
- interference with the proper operation of sensitive

instruments (or) processes; and

- misplaced concern about the potential for structural or foundation damage.

Mitigation of vibration and ground-borne noise requires the transmission of the vibration to be inhibited at some point in the path between the railway track and the building. In some instances, sufficient attenuation of ground vibration is provided by the distance from the track (vibration is rarely an issue at distances greater than 50 metres from the track), or by the vibration ‘coupling loss’ which occurs at the footings of buildings. However, these factors may not be adequate to achieve compliance with the guidelines, and consideration may need to be given to other vibration mitigation measures. However, railway vibration is not normally associated with foundation damage.

AC.2.1 // GROUND-BORNE VIBRATION NOISE

Vibration is an oscillatory motion, which can be described in terms of its displacement, velocity, or acceleration. Because the motion is oscillatory, there is no net displacement of the vibration element and the average of any of the motion descriptors is zero. The response of humans, buildings, and equipment to vibration is more accurately described using velocity or acceleration. The concepts of ground-borne vibration for a rail system are illustrated in **FIGURE 22**.

AC.2.2 // PEAK PARTICLE VELOCITY AND THE ROOT MEAN SQUARE

The peak particle velocity (PPV) is defined as the maximum instantaneous positive or negative peak of the vibration signal. Although PPV is appropriate for

evaluating the potential of building damage, it is not suitable for evaluating human responses, as it takes some time for the human body to respond to vibration signals. Because the net average of a vibration signal is zero, the root mean square (RMS) amplitude is used to describe the vibration amplitude.

The criteria for acceptable ground-borne vibration are expressed in terms of RMS velocity in decibels or mm/sec, and the criteria for acceptable ground-borne noise are expressed in terms of A-weighted sound levels.

AC.2.3 // HUMAN PERCEPTION OF GROUND-BORNE VIBRATION AND NOISE

The background vibration velocity level (typically caused by passing vehicles, trucks, buses, etc.) in residential areas is usually less than 0.03mm/sec RMS, well below the threshold of perception for humans, which is around 0.1 mm/sec RMS. In the some cases, depending on the distance, intervening soils, and type of rail infrastructure, the vibration from trains can reach 0.4mm/sec RMS or more. Even high levels of perception, however, are typically an order of magnitude below the minimum levels required for structural or even cosmetic damage in fragile buildings.

Typical levels of ground-borne vibrations are shown in **FIGURE 23**.

For surface heavy rail traffic, the sound made by the vibration travelling through the earth is rarely significant because of the relatively low frequency content being less audible than the higher vibration frequencies common to surface transit and subways.

The relationship between ground-borne vibration and ground-borne noise depends on the frequency content

of the vibration and the acoustical absorption of the receiving room. The more acoustical absorption in the room, the lower will be the noise level. This can be used to mitigate the ground-borne noise impact, but as noted above, is rarely required.

One of the problems in developing suitable criteria for ground-borne vibration is that there has been relatively little research into human response to vibration, in particular, human annoyance with building vibration. Nevertheless, there is some information available on human response to vibration as a function of vibration characteristics: its level, frequency, and direction with respect to the axes of the human body, and duration of exposure time. However, most of the studies on which this information is based were concerned with conditions in which the level and frequency of vibration are constant. Very few studies have addressed human response to complex intermittent vibration such as that induced in buildings by railway corridors. Nonetheless, several countries have published standards that provide guidance for evaluating human response to vibration in buildings. Proponents may utilize the following standards, used internationally, as a reference:

- International Standard ISO 2631-2: 2003 (1989)
- American Standard ANSI S2.71: 2006 (Formerly ANSI S3.29-1983)
- British Standard BS 6472-1: 2008 (1984)
- Norwegian Standard NS 8176.E: 2005
- New Zealand Standard NZS/ISO 2631-2: 1989
- Australian Standard AS 2670-2: 1990

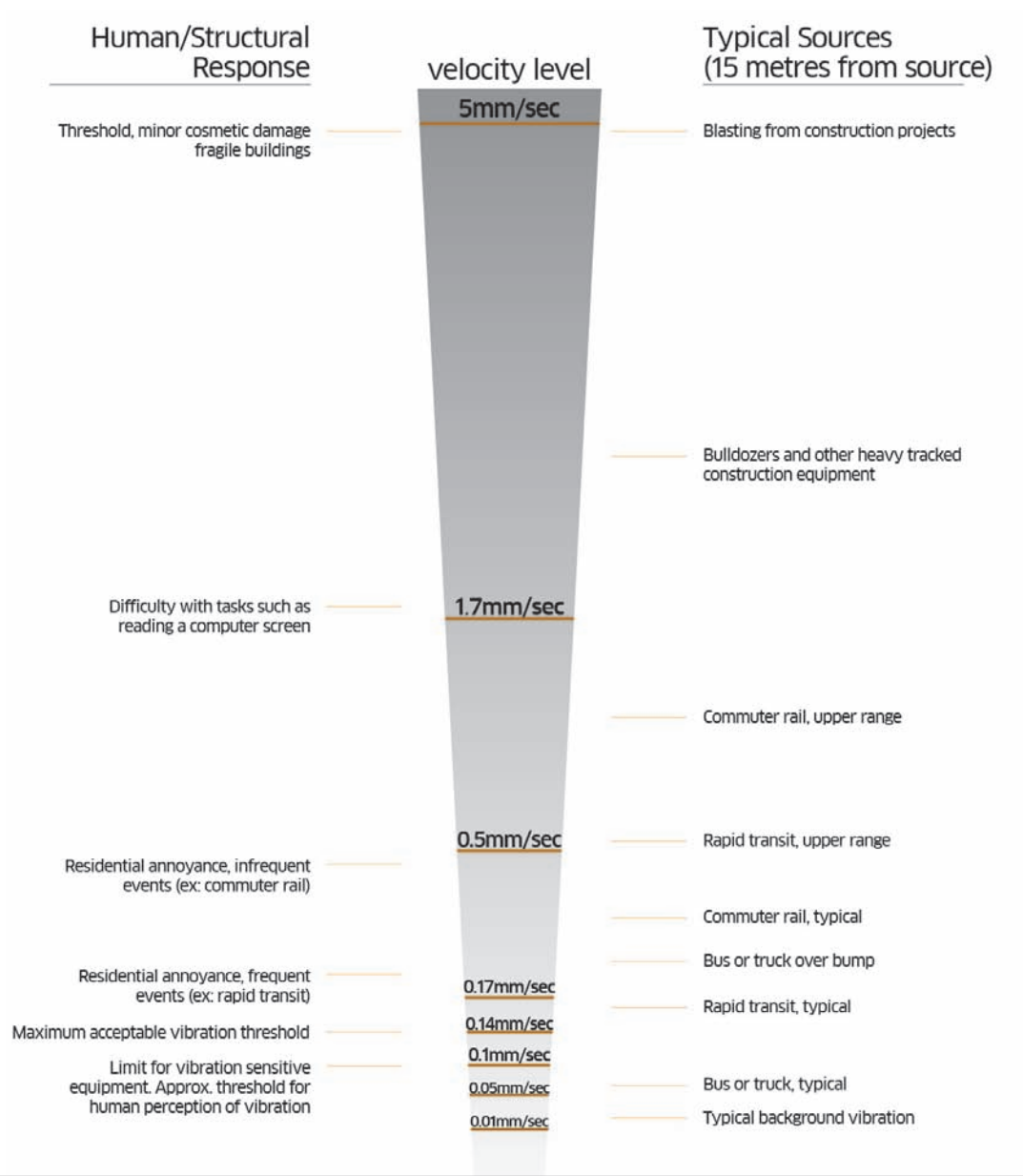


FIGURE 23 // TYPICAL VIBRATION SOURCES AND THEIR ASSOCIATED VELOCITY LEVELS (SOURCE: ADAPTED FROM FIGURE 7-3 IN TRANSIT NOISE AND VIBRATION IMPACT ASSESSMENT BY THE FEDERAL TRANSIT ADMINISTRATION).

AC.2.4 // FACTORS INFLUENCING GROUND-BORNE VIBRATION AND NOISE

Factors that may influence levels of ground borne vibration and noise, and that should be considered by the acoustic consultant in the preparation of a vibration impact study are described in the table below.

FACTORS RELATED TO VIBRATION SOURCE	
Factors	Influence
Wheel Type and Condition	Wheel flats and general wheel roughness are the major cause of vibration from steel wheel/steel rail systems.
Track/Roadway Surface	Rough track or rough roads are often the cause of vibration problems.
Speed	As intuitively expected, higher speeds result in higher vibration levels. Doubling speed usually results in a vibration level increase of 4 to 6 decibels.
FACTORS RELATED TO VIBRATION PATH	
Factors	Influence
Soil Type	Vibration levels are generally higher in stiff clay or well-compacted sandy soils than in loose or poorly compacted or poorly consolidated soils.
Soil Layering	Soil layering will have a substantial, but unpredictable, effect on the vibration levels since each stratum can have significantly different dynamic characteristics.
Depth to Water Table	The depth to the water table may have a significant effect on ground-borne vibration, but a definite relationship has not been established.
FACTORS RELATED TO VIBRATION RECEIVER	
Factors	Influence
Foundation Type	Generally, the heavier the building foundation, the greater the coupling loss as the vibration propagates from the ground into the building.
Building Construction	Since ground-borne vibration and noise are almost always evaluated in terms of indoor receivers, the propagation of the vibration through the building must be considered. Each building has different characteristics relative to structure-borne vibration, although, generally, the more massive the building, the lower the levels of ground-borne vibration.
Acoustical Absorption	The amount of acoustical absorption in the receiver room affects the levels of ground-borne noise.

(SOURCE: ADAPTED FROM TABLE 7-2 IN TRANSIT NOISE AND VIBRATION IMPACT ASSESSMENT BY THE FEDERAL TRANSIT ADMINISTRATION).

AC.2.5 // RECOMMENDED PROCEDURES FOR THE PREPARATION OF VIBRATION IMPACT STUDIES FOR NEW RESIDENTIAL OR OTHER SENSITIVE LAND USES IN PROXIMITY TO RAILWAY OPERATIONS

Mitigation can take the form of perimeter foundation treatment and thicker foundation walls and in more severe cases the use of rubber inserts to separate the superstructure from the foundation.

1. Studies should be undertaken by a qualified consultant.
2. Where studies are not economically or practically feasible, due for example to the scale of the new development or the absence of an available mechanism to secure a study, reasonable and practical measures should be undertaken to minimize potential vibration impacts, such as increased building setbacks, perimeter foundation treatment (eg. thicker foundations) and/or other vibration isolation measures, etc.
3. Vibration measurements should be conducted for all proposed residential/ institutional type developments. It is not acceptable to use vibration measurements conducted at other locations such as on the opposite side of the tracks, further down the tracks, etc.
4. The vibration measurements should be conducted at the distance corresponding to the closest proposed residential receptor, or on the minimum setbacks based on classification of the rail line. If the proposed dwelling units are located more than 75 m from the railway

right-of-way, vibration measurements are not required.

5. Sufficient points parallel to the tracks should be chosen to provide a comprehensive representation of the potentially varying soil conditions.
6. A minimum of five (5) train passbys (comprised of all train types using the rail line) should be recorded at each measurement location.
7. The measurement equipment must be capable of measuring between 4 Hz and 200 Hz \pm 3 dB with an RMS averaging time constant of 1 second.
8. All measured data shall be reported.
9. The report should include all of the above as well as:
 - Key plan;
 - Site/draft plan indicating the location of the measurements;
 - Summary of the equipment used to conduct the vibration measurements;
 - Direction, type, speed (if possible), and number of cars of each train measured;
 - Results of all the measurements conducted;
 - Exceedance, if any; and
 - Details of the proposed mitigation, if required.
10. Ground-borne vibration transmission is to be estimated through site testing and evaluation

to determine if dwellings within 75 metres of the railway right-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec. RMS between 4 Hz. And 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz \pm 3 dB, with an RMS averaging time constant of 1 second. If in excess, appropriate isolation measures are recommended to be undertaken to ensure living areas do not exceed 0.14 mm/sec. RMS on and above the first floor of the dwelling.

- Garg, N. and Sharma, O. (2010). "Investigations on transportation induced ground vibrations". Proceedings of 20th International Congress on Acoustics, ICA 2010, Sydney, Australia.

The following references provide additional insight on methods for measuring ground-borne vibration:

- Hunaidi, O. (1996). "Evaluation of human response to building vibration caused by transit buses". Journal of Low Frequency Noise and Vibration, Vol. 15 No.1, p. 25-42. NRCC Report No. 36963.
- Hunaidi, O. and Tremblay, M. (1997). "Traffic-induced building vibrations in Montreal". Canadian Journal of Civil Engineering, Vol. 24, p.736-753.
- Allen, D.E. and Pernica, G. (1998). "Control of floor vibration". Construction Technology Update No.22, Institute for Research in Construction, NRCC.
- Hanson, C.E., Towers, D.A. and Meister, L.D. (2006). "Transit Noise and vibration impact assessment". FTA-VA-90-1003-06, Office of Planning and Environment, Federal Transit Administration, USA.

APPENDIX D //
NEW RAIL FACILITIES
AND SIGNIFICANT
RAIL EXPANSIONS
IN PROXIMITY TO
RESIDENTIAL OR
OTHER SENSITIVE
LAND USES

Federally regulated railways are governed, in part, by the requirements of the Canada Transportation Act (CTA). Under the CTA, railways are required to obtain an approval from the Canadian Transportation Agency for certain railway construction projects. Additionally, federal railways are required to adhere to the requirements of the Railway Safety Act (RSA), which promotes public safety and protection of property and the environment in the operation of railways.

As such, evaluations of new rail facilities or significant rail expansions are conducted in accordance with applicable Federal regulations.

These include but are not limited to the following:

1. Canadian Transportation Act - section 98

<http://www.cta-otc.gc.ca/eng/railway-line-construction>

<http://laws-lois.justice.gc.ca/eng/acts/C-10.4/page-34.html#h-51>

2. Railway Safety Act - Part 1 Construction or Alteration of Railway Works

<http://laws-lois.justice.gc.ca/eng/acts/R-4.2/page-3.html#docCont>

<http://laws-lois.justice.gc.ca/eng/regulations/SOR-91-103/page-1.html>

3. Railway Relocation and Crossing Act

<https://www.otc-cta.gc.ca/eng/publication/relocation-railway-lines-urban-areas>

<http://laws-lois.justice.gc.ca/eng/acts/R-4/index.html>

4. Canadian Environmental Assessment Act, 2012

<http://laws-lois.justice.gc.ca/eng/acts/C-15.21/index.html>

APPENDIX E //
BEST PRACTICES

AE.1 // CURRENT BEST PRACTICES IN CANADA

AE.1.1 // RAILWAY NOISE EMISSION GUIDELINES, RAC (CANADA)

The Railway Association of Canada has prepared Noise Emission Guidelines that will assist in controlling noise emitted by moving rail cars and locomotives.

- The RAC initiative is the first attempt at such a guideline in Canada. Federal agencies have indicated that they support the RAC's efforts and look forward to working with all stakeholders on such initiatives and also that they encourage a blend of maximum levels of noise and annoyance-related approaches in the development of such guidelines.
- The RAC guidelines are based on the following United States Codes of Federal Regulations (CFR): CFR Title 40 - Protection of Environment - Part 201 Noise Emission Standards for Transportation Equipment; Interstate Rail Carriers - July 1, 2002; and, CFR Title 49 Transportation - Part 210 Railroad Noise Emission Compliance Regulations - Oct 1, 2002.
- The guidelines apply to the total sound emitted by moving rail cars and locomotives (including the sound produced by refrigeration and air conditioning units that are an integral element of such equipment), active retarders, switcher locomotives, car coupling operations, and load cell test stands, operated by a railway within Canada. There are exceptions where the guidelines do not apply, including steam locomotives, sound emitted from warning devices, special purpose equipment, and inert retarders.
- Railways and the RAC are encouraged to continue with proactive efforts and partnerships to undertake research and education initiatives that build on and improve the draft noise emission guideline, including incorporating aspects of the subject research.

A summary of the guidelines is below:

NOISE SOURCE	NOISE GUIDELINE - A-WEIGHTED SOUND LEVEL IN dB	NOISE MEASURE	MEASUREMENT LOCATION
All locomotives manufactured on or before Dec. 31, 1979			
Stationary, Idle Throttle setting	73	Lmax (slow) ^{1/}	30 m
Stationary, all other throttle settings	93	Lmax (slow)	30 m
Moving	96	Lmax (fast)	30 m
All locomotives manufactured after Dec. 31, 1979			
Stationary, Idle Throttle setting	70	Lmax (slow)	30 m
Stationary, all other throttle settings	87	Lmax (slow)	30 m
Moving	90	Lmax (fast)	30 m
Additional req't for switcher locos manufactured on or before Dec. 31, 1979 operating in yards where stationary switcher and other loco noise exceeds the receiving property limit of	65	L90 (fast) ^{2/}	Receiving property
Stationary, Idle Throttle setting	70	Lmax (slow)	30 m
Stationary, all other throttle settings	87	Lmax (slow)	30 m
Moving	90	Lmax (fast)	30 m
Rail Cars			
Moving at speeds of 45 mph or less	88	Lmax (fast)	30 m
Moving at speeds greater than 45 mph	93	Lmax (fast)	30 m
Other Yard Equipment and Facilities			
Retarders	83	Ladjavemax (fast)	Receiving property
Car-coupling operations	92	Ladjavemax (fast)	Receiving property
Loco load cell test stands, where the noise from loco load cell operations exceeds the receiving property limits of	65	L90 (fast) ^{2/}	Receiving property
Primary Guideline	78	Lmax (slow)	30 m
Secondary Guideline if 30 m measurement not feasible	65	Lmax (fast)	Receiving property located more than 120 m from Load Cell

^{1/}Lmax= maximum sound level

L90= statistical sound level exceeded 90% of the time

Ladjavemax= adjusted average maximum sound level

^{2/} L90 must be validated by determining that L10-L99 is less than or equal to 4 dB (A).

Receiving property essentially means any residential or commercial property that receives sound (not owned by the railroad).

AE.1.2 // NOISE ASSESSMENT CRITERIA IN LAND USE PLANNING PUBLICATION LU-131 (ONTARIO, CAN)

This guideline outlines noise criteria to be considered in the planning of sensitive land uses adjacent to major facilities such as roads, airports, and railway corridors. It is the only provincial noise guideline applicable to residential development in Canada.¹ The document stipulates a maximum daytime outdoor sound level from rail noise of 55dBA; 35dBA for sleeping quarters at night; and 40dBA for living and dining rooms during the day. It also stipulates that a feasibility study is required within 100 metres of a Principal Main Line railway right-of-way, and 50 metres of a Secondary Main Line railway right-of-way. A detailed noise study is required when sound levels affecting proposed lands exceed the noise criteria by more than 5dBA. Finally, the guideline also outlines specific mitigation requirements when sound levels exceed certain limits.

AE.1.3 // PLANNING AND CONSERVATION LAND STATUTE LAW AMENDMENT ACT, 2006, BILL 51 (ONTARIO, CAN)

The Planning and Conservation Land Statute Law Amendment Act, 2006, Bill 51 provides a more transparent, accessible, and effective land-use planning process, empowering municipalities with more tools to address a variety of land-use planning needs. The bill allows for greater dissemination of information, participation, and consultation to take place earlier on in the planning process, giving local residents and community leaders more opportunity to play their crucial role in shaping their communities.

Bill 51 requires that notice shall be given to railways in the case of proposed official plans or official plan amendments, plans of subdivision, zoning by-laws, holding by-laws, interim control by-laws, and/or consent to sever lands, where the subject lands fall within 300

¹ Noise Guidelines exist in Alberta, but they are applicable only to the energy sector.

metres of a railway line. This is the only piece of provincial legislation in Canada which triggers the notification of railways when land-use changes and/or development is proposed in close proximity to rail lands.

AE.1.4 // GUIDELINE D-6: COMPATIBILITY BETWEEN INDUSTRIAL FACILITIES AND SENSITIVE LAND USES (ONTARIO, CAN)

The role of this guideline is to prevent or minimize the encroachment of sensitive land use upon industrial land use and vice versa. The incompatibility of these land uses is due to the possibility for adverse effects created by industrial operations on sensitive land uses.

Application of this guideline should occur during the land use planning process in an effort to prevent or minimize future land use conflicts. It is intended to apply when a change in land use is proposed. The guideline is a direct application of Ministry Guideline D-1, "Land Use Compatibility" (formerly Policy 07-03).

This guideline defines sensitive land uses as:

- recreational uses which are deemed by the municipality or provincial agency to be sensitive; and/or
- any building or associated amenity area which is not directly associated with the industrial use, where humans or the natural environment may be adversely affected by emissions generated by the operation of a nearby industrial facility. For example, residences, senior citizen homes, schools, day care facilities, hospitals, churches and other similar institutional uses, or campgrounds. Residential land is considered to be sensitive 24 hrs/day.

This guideline does not apply to railway corridors, but does apply to railway yards and other ancillary rail facilities.

Industrial facilities are categorized into three classes according to the objectionable nature of their emissions, physical size/scale, production volumes and/or the

intensity and scheduling of operations. This guideline includes an implementation section that contains requirements or recommendations on the following:

- Potential influence area distances
- Land use planning considerations
- Recommended minimum separation distances
- How to measure separation distance
- Commenting or reviewing land use proposals
- Required studies: noise, dust, and odour
- Additional mitigation measures
- Legal agreements and financial assurance to ensure mitigation
- Redevelopment, infilling and mixed use areas requirements including official status, zoning, feasibility analysis, new use of existing buildings, public consultation, environmental warnings for sensitive land uses, phased/sequential development, and site clean-up & decommissioning.
- Accessory residential use

The recommendations or requirements for incompatible land uses are intended to supplement, not replace, controls which are required by legislation for both point source and fugitive emissions at the facility source.

AE.1.5 // DIRECTION 2006 (CANADA)

Community Trespass Prevention is an initiative of Direction 2006, a Government of Canada and public/private partnership initiated in 1996, with the goal of cutting the number of accidents and fatalities in half within 10 years, by 2006. As part of this initiative, the

document, *Trespassing on Railway Lines: A Community Problem-Solving Guide* was developed. This document describes the Community, Analysis, Response and Evaluation (C.A.R.E.) problem solving model that was developed to assist communities in identifying and addressing the underlying causes of trespassing. It provides a step-by-step method of identifying, analyzing and effectively addressing trespassing issues in the community.

Direction 2006 has identified four areas of concentration (the four E's) with respect to crossing and trespass prevention, namely:

Education

Operation Lifesaver's success as a safety program lies in educating people of all ages about the dangers of highway/railway crossings and the seriousness of trespassing on railway property. The methods used to reach the public include the production and distribution of educational related material, early elementary and driver education curriculum activities, civic presentations, as well as media coverage.

Enforcement

Laws are in place governing motorists' and pedestrians' rights and responsibilities at highway/railway crossings and on railway property. Without enforcement, however, they will be ignored and disregarded, and incidents will continue to happen. Therefore, provincial and municipal law enforcement agencies are urged to deal with motorists and pedestrians who disregard these laws and jeopardize their lives as well as the lives of others.

Engineering

Highway/railway crossings, railway property and pedestrian crossings must be kept safe, both physically and operationally, and improvements must be made when needed. To ensure a high level of safety, the administrative process of improving railway rights-of-way needs to be reviewed and changed when needed. At the same time, the public needs to be made more aware of federal, provincial and other programs aimed at improving railway safety.

Evaluation

To maintain the quality of Operation Lifesaver, its effect should be measured against its stated goals. Funds are available for technical and program assistance.

Lessons that can be learned from Direction 2006 include:

- The benefits of multi-stakeholder initiatives to raise awareness of public safety matters and reduce the potential for future incidents.
- Promotion of rail safety improvement, particularly improvement and elimination of at-grade crossings and provision of funding for safety initiatives.

AE.2 // INTERNATIONAL BEST PRACTICES

The international case studies described here have been chosen because they represent examples of jurisdictions which employ a comprehensive approach towards mitigation of rail-related impacts on new residential development that includes the use of proximity guidelines. While Australia stands out as a model for Canadian jurisdictions to look towards when crafting their own policies for development adjacent to railway corridors, the differences between the two contexts

should be kept in mind. For example, the Australian context allows for a greater government role in its approach to mitigation because railway infrastructure is largely state owned and operated. This is also the reason why the rail authorities must bear a larger share of the responsibility when it comes to mitigation, than is the case in Canada.

AE.2.1 // NEW SOUTH WALES, AUSTRALIA

New South Wales (NSW), located in southeastern Australia, is the largest Australian state by population, with over 7.2 million inhabitants. It is currently experiencing an extended period of urban renewal, particularly in and around Sydney, the state capital and the most populous city in the country. This renewal has led to increased pressure to develop urban infill sites along railway lines, particularly around existing passenger rail stations. At the same time, transportation by rail (both freight-based and passenger-based), has been growing steadily, generating a need to establish new railway lines in some parts of the state, and leading to an increase in the number of complaints about sound and vibration issues by residents living in proximity to existing lines.

In response to these circumstances, the government of NSW has developed a comprehensive strategy consisting of a series of complementary initiatives to address and manage the environmental impacts of noise and vibration from the state's rail system. These include:

- A *Rail Infrastructure Noise Guideline* that outlines a process for assessing the noise and vibration impacts of proposed rail infrastructure projects, and for determining appropriate mitigation.
- A *new state policy*, called the State Environmental Planning Policy (Infrastructure) 2007 that clearly

articulates a process and requirements for the approval of new residential developments adjacent to existing railway corridors. The policy specifies internal noise levels of 35dBA for bedrooms between 10pm and 7am, and 40dBA for other habitable rooms. It also stipulates conditions under which a rail authority must be notified of a development adjacent to its railway corridors, and gives the authority 21 days to respond.

- New *planning guidelines* for development near railway corridors and busy roads that outline procedures for assessing the noise and vibration impacts of existing rail facilities on new residential development, and suggest potential mitigation options.
- New *national rolling stock noise emission standards*, currently under development by the Australasian Railway Association.

Although the *Development Near Rail Corridors and Busy Roads - Interim Guideline* includes recommendations for mitigating against the risk of a derailment, these do not include a mandatory or recommended setback. The State's Director of Policy Planning Systems and Reform suggests that this is because any setback width would be considered arbitrary. Additionally, it is argued that it would be inappropriate to sterilize land adjacent to railway corridors by imposing a setback requirement without compensation or acquisition. In the case of new rail lines under development, it is considered preferable for the infrastructure provider to acquire a corridor wide enough to make accommodations for a buffer. In existing built-up areas around older railway lines, safety is considered on a case-by-case basis through individual risk assessments, although the primary concern of

mitigation is the reduction of noise and vibration. It should be noted that developers of new residential buildings in NSW are responsible for all costs associated with providing safety, sound, and vibration mitigation in their developments.

The introduction of the new state policy and planning guidelines has significantly streamlined the development approvals process for new residential development adjacent to railway corridors across the state. The *State Environmental Planning Policy (Infrastructure) 2007* takes precedence over existing municipal policies within the state, and municipalities must also 'have consideration' for the new guidelines when approving or denying a development application. Failure to do so may result in a decision being overturned by the courts. The privileged position of the rail authorities as adjacent landowners is recognized through the new process, but the 21-day period for providing comments ensures expediency. The state further encourages rail authorities to honour this time limitation through an annual publication of the names of those who consistently fail to meet the deadline. While the process allows for and encourages extensive negotiation, municipal Councils are free to reject the safety recommendations of rail authorities that they feel are unreasonable.

Although the state is still in the process of transitioning into this new system, overall, it is considered thus far, to be a success. The guidelines are heavily used, and new developments are seeing significant benefits, though there are still concerns expressed by residents living in existing housing stock.

AE.2.2 // QUEENSLAND, AUSTRALIA

Queensland, located in northeastern Australia, is the second largest Australian state by area, and the third largest by population, with over 4.5 million inhabitants. It is also home to the country's third most populous city, Brisbane. Regional and metropolitan plans throughout Queensland are calling for Transit Oriented Development (TOD) to address the state's continuing growth and development. These plans typically prescribe more compact urban forms, with higher density development located in the places of greatest accessibility. Increasingly, as in NSW, this has led to greater pressure to develop sites adjacent to railway corridors, generating concerns not only about noise and vibration, but also about the potential impact of new development on railway operations.

In order to properly manage these concerns, a partnership was established between Queensland Rail, Transport and Main Roads (TMR), and the Department of Infrastructure and Planning (DIP), through Growth Management Queensland (GMQ). Through this collaboration, a Guide for development in a railway environment was developed and made available for use by local municipalities and developers. The Guide provides direction for those interested in developing, excavating, or carrying out any other construction activity in or adjacent to a railway corridor, facilities, or infrastructure. It outlines what information must be reviewed and accounted for when undertaking development in a railway environment, which agencies hold jurisdictional responsibility, the applicability of regulatory provisions, the consultation process, and related development parameters. A checklist approach ensures the appropriate steps have been taken to address the matters influencing development in a railway environment, and is complemented by a risk

assessment process to assist with the evaluation and refinement of development proposals.

AE.2.3 // CODE OF PRACTICE, RAILWAY NOISE MANAGEMENT, QUEENSLAND RAIL (QUEENSLAND, AUSTRALIA)

Queensland Rail (QR), an Australian government owned corporation, has developed a Code of Practice for Railway Noise Management. The *Code of Practice* is generally a self-imposed set of rules to achieve compliance with the duty to mitigate environmental impacts such as noise and vibration. The self-regulation is similar to the approach to the environment that has been adopted by the Class 1 and other railway companies in Canada.

As part of this *Code of Practice*, QR has developed a "Network Noise Management Plan" that initially involves conducting a statewide noise audit. If "potential noise-affected receptors" are identified then a detailed noise assessment is carried out. Mitigation measures will be implemented where noise levels exceed the EPP levels or if QR cannot achieve compliance with these levels, the railway will strive to comply with QR nominated interim noise levels of 70 dB(A) (24-hour average equivalent continuous A-weighted sound pressure level) and 95 dB(A) (single event maximum sound pressure level).

Queensland Rail has prepared and made available to Queensland local governments "QR Guidelines for Local Governments (and/or other Assessment Managers under the Integrated Planning Act) for Assessing Development Likely to be Affected by Noise from the Operation of a Railway or Railway Activities". These guidelines encourage Queensland local governments to apply noise impact assessments to development applications requiring assessment under the Integrated Planning Act

and which are intended to be located near a railway. The noise impact assessment may require the imposition of conditions on the development to help achieve the required noise levels. Conditions may include devices such as sealed windows and/or double glazing; minimizing the window area facing a noise source; barriers for low level receivers; effective building orientation; or provision of a suitable buffer distance.

Although the Canadian environment differs somewhat from QR (the main difference being that QR is government owned), there are lessons that can be learned, including:

- QR has developed a comprehensive “Network Noise Management Plan” and carries out a detailed noise assessment if potential noise-affected receptors are identified.
- QR has prepared noise impact assessment guidelines to assist local governments in applying guidelines to development applications. The guidelines are comprehensively applied.

AE.3.1 // ROBERTS BANK RAIL CORRIDOR CASE STUDY (BRITISH COLUMBIA, CAN)

The Roberts Bank Rail Corridor (RBRC) represents a 70-kilometre stretch of tracks, connecting Canada’s largest container facility and a major coal terminal at Roberts Bank (south of Vancouver) with the North American rail network. Increasing volumes of international freight are shipped as part of Canada’s Pacific Gateway, through communities in the Lower Mainland.

The Corridor is comprised primarily of single rail track and currently carries up to 18 trains per day, ranging from 6,000 to 9,500 feet in length. Train traffic volume is expected to increase to 28–38 trains per day by 2021,

and it is anticipated that some trains may exceed 12,000 feet in length.

Existing and Future Conditions

The Corridor contains approximately 66 road-rail crossings, of which 12 are overpasses, 38 are public street-level crossings, and 16 are private street-level crossings. Roughly 388,000 vehicles cross the tracks daily, with expected increases to 560,000 vehicle crossings per day by 2021. Future increases in train traffic and vehicular traffic presented infrastructure challenges to the existing street-level rail crossings, impeding the operational efficiency of both rail and road networks. Additionally, the significant volume of trains passing through established communities presented many challenges with respect to noise, vibration, emissions, and safety.

Improving Network Efficiency and Addressing Proximity Issues

In February 2007, the *Roberts Bank Rail Corridor: Road/Rail Interface Study* prioritized the optimal locations for investment in road-rail projects. Careful consideration was also given to selected road closures, network reconfigurations, and traffic management measures designed to maximize benefits to motorists, railways and neighbouring communities. The study also gave consideration to a number of proximity related issues including noise, vibration, emissions, and safety.

The study was a collaborative effort among Transport Canada, British Columbia Ministry of Transportation and Infrastructure, South Coast British Columbia Transportation Authority (TransLink), the Vancouver Fraser Port Authority, and the Greater Vancouver Gateway Council, with contributions from stakeholders

such as corridor municipalities and railway companies. The various agencies turned to the 2007 FCM RAC Proximity Guidelines for direction on addressing issues related to noise and vibration, safety, dispute resolution, and setbacks. The Guidelines were proven to be an effective measure and valuable resource for balancing the needs of the rail agencies, stakeholders, and community members.

Roberts Bank Railway Corridor improvements are intended to:

- Improve the flow of local traffic;
- Improve traffic safety;
- Provide for better access by emergency vehicles during train events;
- Reduce idling of vehicles at level crossings, energy use, and greenhouse gas emissions;
- Reduce or eliminate the necessity for train whistling;
- Enhance the efficiency and safety of rail operations;
- Accommodate the anticipated growth in trade-related traffic; and
- Increase national trade competitiveness by increasing goods-movement along the corridor.

Results and Outcomes

The twelve partners are working proactively to improve road access and safety for local residents by providing alternate routes over increasingly busy railways. In total, eight overpasses and one rail siding project in the RBRC Program will be constructed by 2014. Additional rail improvements will reduce requirements for whistle blowing, close rail crossings to vehicular traffic, and

provide an advanced early warning system that will notify drivers of approaching trains.

APPENDIX F //
GLOSSARY

Berm

A mound constructed of compacted earth that is situated within the setback area of a property adjacent to a railway line. Berms function of safety barriers, screen undesirable views, and reduce noise.

Crash Wall

A concrete structure often incorporated into the podium of a high-density building adjacent to a railway line that is designed to provide the equivalent resistance in the case of a train derailment as a standard berm.

Noise Impact Study

A study, undertaken by a qualified acoustic consultant, which assesses the impact of all noise sources on a subject property, and determines the appropriate layout, design, and required control measures.

Low Occupancy Podium

A building podium containing non-sensitive uses such parking, retail, or the common elements of a condominium. A low occupancy podium will never contain residential uses.

Railway Corridor

The land which contains a railway track or tracks, measured from property line to property line.

Rail Crossing

A crossing or intersection of a railway and a highway, at grade.

Railway

Any company which owns and operates one or more railway lines.

Railway Line

The physical tracks on which trains operate. Railway lines may be categorized as either a Main Line, Branch Line, or Spur Line, based on the speed and frequency of trains (see Appendix B for a sample rail classification system).

Railway Facility

Any structure or associated lands related to the operation of a railway. Railway facilities include railway corridors, freight yards, and train stations.

Railway Operations

Any activity related to the operation of a railway.

Recommended Setback

The recommended separation distance between a rail corridor and a sensitive land use, such as a residence.

Sensitive Land Uses

A land use where routine or normal activities occurring at reasonably expected times would experience adverse effects from the externalities, such as noise and vibration, generated from the operation of a railway. Sensitive land uses include, but are not limited to, residences or other facilities where people sleep, and institutional structures such as schools and daycares, etc.

STC Rating

STC stands for Sound Transmission Class, and is a single-number rating of a material's or an assembly's ability to resist airborne noise transfer. In general, a higher STC rating indicates a greater ability to block the transmission of noise.

Vibration Impact Study

A study, undertaken by a qualified acoustic or vibration consultant, which assesses the level and impact of vibration on a subject property, determines whether vibration mitigation is necessary, and recommends mitigation options based on the particular conditions of the development site in question.

APPENDIX G //
LINKS & OTHER
RESOURCES

Railway Association of Canada

www.railcan.ca

(includes relevant government links and links to member railway sites)

Federation of Canadian Municipalities

www.fcm.ca

(includes links to provincial affiliate associations and municipal sites)

RAC/FCM Proximity Project

www.proximityissues.ca

Government of Canada

www.canada.gc.ca

Transport Canada

www.tc.gc.ca

Canadian Transportation Agency

www.cta-otc.gc.ca

Ontario Ministry of the Environment

www.ene.gov.on.ca

Canada Mortgage & Housing Corporation

www.cmhc-schl.gc.ca

Operation Lifesaver

www.operationlifesaver.ca

Safe Communities

www.safecommunities.ca

Queensland Rail

www.corporate.qr.com.au

Queensland Department of Transport and Main Roads

www.tmr.qld.gov.au

New South Wales Department of Planning

www.planning.nsw.gov.au

APPENDIX H //
LIST OF
STAKEHOLDERS
CONSULTED

Municipalities

Borough of Plateau Montreal, City of Montreal

Borough of Riviere-des-Prairies, Pointe-aux-Trembles, City of Montreal

Bureau du Plan, City of Montreal

City of Edmonton

City of Regina

City of Saskatoon

City of Toronto

City of Vancouver

City of Welland

City of Winnipeg

Greater Moncton Planning Commission

Town of Halton Hills

Town of Orangeville

Development Industry

BILD, Policy & Government Relations

Canada Lands Company

Conservatory Group

Hullmark Development

Montreal Design Zone

Namara Developments

Ontario Homebuilders Association

Perimeter Development

Professionals

Aecom

Evans Planning

Goodmans LLP

Jablonsky Ast & Partners

Jade Acoustics Inc.

JSW+ Associates

Canadian Railways & Railroad Operators

Canadian National Railway

Canadian Pacific Railway

Metrolinx

Trillium Railway

International

American Association of Railroads

City of Melbourne, Australia

City of Washington, DC

Government of New South Wales, Australia, Policy Planning Systems and Reform

Surface Transportation Board

Provincial & Federal Ministries & Regulating Agencies

Canadian Transportation Agency

Ontario Ministry of Transportation, Goods Movement Policy Office

Province of Nova Scotia

Saskatchewan Ministry of Municipal Affairs

APPENDIX I //

REFERENCES

- Allen, D.E. and Pernica, G. (1998). "Control of floor vibration". Construction Technology Update No.22, Institute for Research in Construction, NRCC.
- Berglund, B., Lindvall, T., & Schwela, D. H., eds. (1999). *Guidelines for community noise* [Research Report]. Retrieved from World Health Organization website: <http://www.who.int/docstore/peh/noise/guidelines2.html>
- Bill 51: *An Act to amend the Planning Act and the Conservation Land Act and to make related amendments to other Acts.* (2006). Royal Assent Oct. 19, 2006. Retrieved from the Parliament of Ontario website: http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=455
- Canada Mortgage and Housing Corporation. (1986). *Road and rail noise: Effects on housing* [Canada]: Author.
- Canadian Transportation Agency. (August 2011). *Railway noise measurement and reporting methodology*. Retrieved from: http://www.otc-cta.gc.ca/eng/railway_noise_measurement
- Canadian Transportation Agency. (October 2008). *Guidelines for the resolution of complaints concerning railway noise and vibration*. Retrieved from: https://www.otc-cta.gc.ca/sites/all/files/altformats/books/guidelines-noise-and-vibration_e_0.pdf
- Direction 2006. (n.d.) *Trespassing on railway lines: A community problem-solving guide*. Retrieved from: http://www.operationlifesaver.ca/wp-content/uploads/2010/06/en_TrespGuide2003.pdf
- Garg, N. and Sharma, O. (2010). "Investigations on transportation induced ground vibrations". Proceedings of 20th International Congress on Acoustics, ICA 2010, Sydney, Australia.
- Go Transit. (N.d.). *Go Transit rail corridor development handbook*: Author.
- Hanson, C.E., Towers, D.A. and Meister, L.D. (2006). *Transit Noise and vibration impact assessment*. FTA-VA-90-1003-06, Office of Planning and Environment, Federal Transit Administration, USA.
- Health Canada. (2010). *Useful information for environmental assessments*. Retrieved from http://www.hc-sc.gc.ca/ewh-semt/alt_formats/hecs-sesc/pdf/pubs/eval/environ_assess-eval/environ_assess-eval-eng.pdf
- Howe, B., & McCabe, N. (March 15 2012). *Railway vibration reduction study: Information on railway vibration mitigation* [Ottawa, ON]: Railway Association of Canada.
- Hunaidi, O. (1996). "Evaluation of human response to building vibration caused by transit buses". *Journal of Low Frequency Noise and Vibration*, Vol. 15 No.1, p. 25-42. NRCC Report No. 36963.
- Hunaidi, O. and Tremblay, M. (1997). "Traffic-induced building vibrations in Montreal". *Canadian Journal of Civil Engineering*, Vol. 24, p.736-753.
- Noise Assessment Criteria in Land Use Planning (1997, LU-131). Retrieved from the Ontario Ministry of the Environment website: http://www.ene.gov.on.ca/stdprodconsume/groups/lr/@ene/@resources/documents/resource/std01_079357.pdf
- Preston, B.J. (April 7 2009). Sustainable Development in the Law Courts: The Polluter Pays Principle. 16th Commonwealth Law Conference, Hong Kong.
- Queensland Rail. (November 2007). *Code of practice - railway noise management*. EMS/STD/46/004. Retrieved from <http://www.queenslandrail.com.au/AboutUs/>

ReleaseOfInformation/Documents/EMS-STD-46-004.pdf

Rail Infrastructure Corporation. (November 2003). *Interim guidelines for applicants: Consideration of rail noise and vibration in the planning process*. Retrieved from http://www.daydesign.com.au/downloads/Interim_guidelines_for_applicants.pdf

Railway Association of Canada, The, & Federation of Canadian Municipalities, The. (2007). *Final Report: Proximity guidelines and best practices* [Montreal, QC]: The Federation of Canadian Municipalities.

Railway Safety Act Review Secretariat. (2007). *Stronger ties: A shared commitment to railway safety*. Retrieved from the Transport Canada website: www.tc.gc.ca/tcss/RSA_Review-Examen_LSF

State Government of New South Wales, Department of Environment . (2007). *Interim guideline for the Assessment of Noise from Rail Infrastructure Projects*. Retrieved from: <http://www.environment.nsw.gov.au/noise/railinfranoise.htm>

State Government of New South Wales, Department of Planning. (2008). *Development near rail corridors and busy roads - interim guideline*. Retrieved from <http://www.planning.nsw.gov.au/rdaguidelines/documents/DevelopmentNearBusyRoadsandRailCorridors.pdf>

State of Queensland, Department of Infrastructure and Planning. (October 2010). *Guide for development in a railway environment*. Retrieved from: <http://www.dlqp.qld.gov.au/resources/guideline/tod/rail-guideline.pdf>

Toronto Area Rail Transportation of Dangerous Goods Task Force. (1988). *Consultant's Report* [Ottawa, ON]: Supply and Services Canada.

World Health Organization. (2011). *Burden of disease from environmental noise: Quantification of healthy life years lost in Europe*. Retrieved from: http://www.euro.who.int/__data/assets/pdf_file/0008/136466/e94888.pdf

FCM / RAC

PROXIMITY INITIATIVE



FEDERATION
OF CANADIAN
MUNICIPALITIES

FÉDÉRATION
CANADIENNE DES
MUNICIPALITÉS



Railway Association
of Canada



PLANNING REPORT for the TOWNSHIP OF PUSLINCH

Prepared by the County of Wellington Planning and Development
Department

MEETING DATE: April 11th, 2023
TO: Lynne Banks, Development and Legislative Coordinator
Township of Puslinch
FROM: Zach Prince, Senior Planner
County of Wellington
SUBJECT: **MINOR VARIANCE APPLICATION D13/TON (Tonin)**
Louis Tonin
900 Watson Rd S
Part Lots 8 and 9, Concession 10
SCHEDULES: **1 – Applicant’s Sketch**

We have reviewed the application for minor variance and provide the following comments. These comments are offered without the benefit of a site visit.

Planning Opinion

The purpose of this application is for relief from Minimum Distance Separation Formula (MDS I) requirements to meet a condition of consent application B01/03 which was conditionally granted by the County of Wellington Land Division Committee in March 2023. The consent application would sever a 0.93 ha (2.29 ac) vacant parcel and a 1.97 ha (4.87 ac) lot with an existing dwelling and barn would be retained. As part of the related consent application, MDS I was reviewed by Planning staff and it was determined that relief would be required to the existing barns in the area. Due to the number of lots within the area, the proposal would be calculated as a Type B land use under Guideline #34.

With respects to the MDS relief, planning staff notes that the setback from the barn located on the retained lands is based on the farm data sheet provided indicating the capacity for 8 medium sized horses. The barn located at 935 Watson Rd S is based on the unoccupied barn requirements. The property is surrounded by existing agricultural parcels and rural residential lots (**Figure 1**).

This minor variance application would maintain the general intent and purpose of the Official Plan and Zoning By-law, and is desirable and appropriate for the development of the subject property. We consider the request minor and have no concerns with the application.

Section of the By-law	Requirements	Proposed	Relief Requested
Section 4.16.2 - General Provisions MDS II New or Expanding Livestock Facilities and Manure Storage facilities.	<p>Notwithstanding any other yard or setback provisions of the By-law to the contrary, no livestock facility or manure storage facility shall be erected or expanded unless it complies with the Minimum Distance Separation II (MDS II) setback, calculated using the Formulas published by the Province of Ontario, as may be amended from time to time.</p> <p>Planning staff have completed the MDS calculations and have confirmed the required distance of 173 m from the barn located at 900 Watson Rd S and 305m setback from the barn located at 935 Watson Rd South.</p>	85 m & 105 m	88m & 200 m

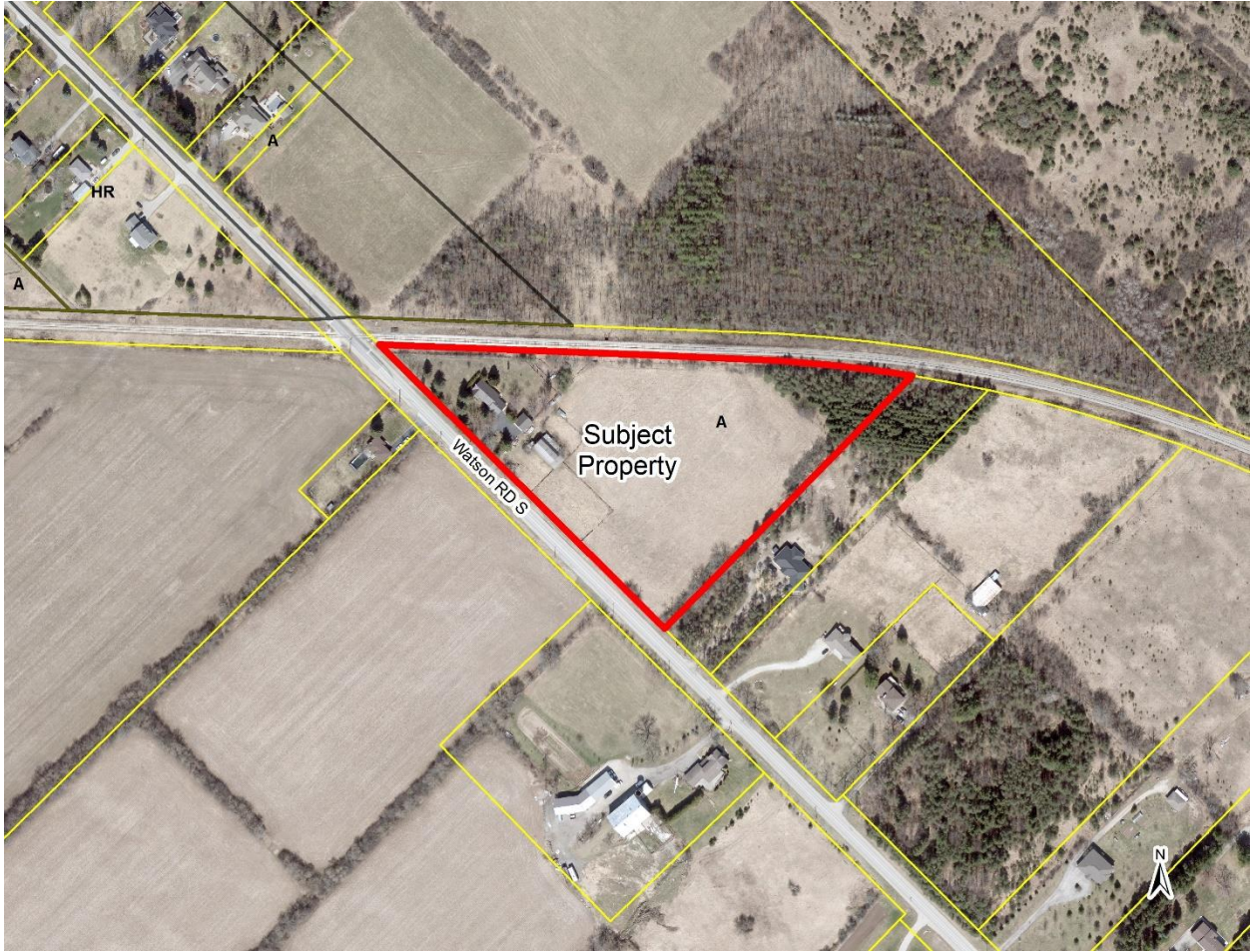


Figure 1 - Subject Property

Our discussion of this application relative to the four tests under the Planning Act is as follows:

Four Tests	Discussion
That the requested variance is minor in nature	<ul style="list-style-type: none"> • Consent application B01/23 was conditionally approved by the County of Wellington in March 2023 and this application is to satisfy a condition for MDS I relief. • There is a conditionally approved vacant lot located across the road from the proposed lot which requires the same MDS I relief, farm data sheets were provided for this application (B47/22). • The applicant has indicated the existing barn located on the retained lands is vacant. The owners of the barn at 935 Watson Rd S have indicated the barn on their lands is vacant as well.
That the intent and purpose of the Zoning By-law is maintained	<ul style="list-style-type: none"> • The subject property is zoned Agricultural (A). • The intent of the MDS II setback is to provide a minimum distance between livestock facilities and sensitive lands uses (i.e. dwellings). The intent of MDS setbacks is to promote and protect agricultural uses while also reducing odour complaints and land use incompatibility. • There are existing rural residential uses in the area which would impact the potential for future expansion to livestock buildings.
That the general intent and purpose of the Official Plan is maintained	<ul style="list-style-type: none"> • The property is designated Prime Agricultural, and Secondary Agricultural • The Guelph Junction Rail line is an active rail line to the North of the property • Rural residential uses and agricultural uses are permitted in the Official Plan • The retained lands are adjacent to the Arkell Hamlet area • Local zoning by-laws implement MDS I requirements
That the variance is desirable and appropriate development and use of the land, building or structure	<ul style="list-style-type: none"> • The subject property is adjacent to existing rural residential uses and in close proximity to the Arkell Hamlet Area. • We do not anticipate that a new residential use in this location would hinder or preclude the present use or future potential for the agricultural operations in question given that a number of existing rural residential uses existing in the immediate area.

I trust that these comments will be of assistance to the Committee in their consideration of this matter. We would appreciate a copy of the Committee's decision with respect to this application.

Respectfully submitted
 County of Wellington Planning and Development Department



Zach Prince, RPP MCIP, Senior Planner

