



City of Hamilton PLANNING COMMITTEE ADDENDUM

Meeting #: 20-015
Date: December 8, 2020
Time: 9:30 a.m.
Location: Due to the COVID-19 and the Closure of City Hall

All electronic meetings can be viewed at:

City's Website:
<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel:
<https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

Lisa Kelsey, Legislative Coordinator (905) 546-2424 ext. 4605

	Pages
6. DELEGATION REQUESTS	
*6.1. Franca Suel respecting Monster Homes (For today's meeting)	4
*6.2. Nick DeFilippis respecting 19 Dawson Avenue (Item 10.4) (For today's meeting)	
8. PUBLIC HEARINGS / DELEGATIONS	
8.1. Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan (PED20201) (City Wide)	
*8.1.b. Registered Delegations: (i) Joe Simonji	
8.2. Application for Amendments to the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57 for Lands Located at 15 Church Street (Ancaster) (PED20205) (Ward 12)	
8.2.a. Registered Delegations:	

- *8.2.a.a. Added Registered Delegations:
 - (v) Jim MacLeod
 - (vi) Jaynn Miller

*8.2.c. Added Written Submissions:

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- (ii) Ian Hanna
- (iii) Doug McLennan
- (iv) Karen M.
- (v) Honor Hughes
- (vi) Gayle Villeneuve
- (vii) Heather Bull
- (viii) Marc Bader
- (ix) Jennifer Davis
- (x) David Gray
- (xi) Jaynn and Kevin Miller
- (xii) Barb Russell-Morse
- (xiii) David Hindley
- (xiv) David Wallis
- (xv) Diane and Harley Auty
- (xvi) Cynthia Watson
- (xvii) Gail Lazzarato
- (xviii) Elaine Simon
- (xix) Jerry Cole
- (xx) Darren Earl
- (xxi) Erin Davis
- (xxii) Armando Gomez
- (xxiii) Nicolette Stubbe
- (xxiv) Len Verhey
- (xxv) Sandy Omelon
- (xxvi) Isaac Hoogland
- (xxvii) Michael Hill

8.4. 19 Dawson Avenue (PED20195) (Item 10.4) - Written Delegations

*8.4.a. Added Written Submissions:

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- (xii) Stoney Creek Masonic Lodge Letter and Petition
- (xiii) Steve Macdonald
- (xiv) Ida Smith

10. DISCUSSION ITEMS

- *10.5. Use of Tertiary Septic Systems in Hamilton and Update re: Local Planning Appeal Tribunal Case No. PL170858 (PW20082/LS20032) (Wards 9, 10, 11, 12, 13 and 15)
(Publicly Released at the December 16, 2020 Council meeting)

14. PRIVATE AND CONFIDENTIAL

- *14.3. Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-17-006) and a Zoning By-law Amendment Application for the Town of Flamborough Zoning By-law No. 90-145-Z and Zoning By-law No. 05-200 Application (ZAC-17-016) for Lands Located at 909 North Waterdown Drive (Flamborough) (LS20038/PED20218) (Ward 15)

Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.



Monster Homes...

how they affect those living within the neighborhood

Neighborhood-1 road between two Subdivision by Barton and Dewitt Hewitson Road, Stoney Creek, L8E 2T3



9
Hewitson
Road

New Construction



Not like most homes in Stoney Creek, most of the homes on this street have lots of 70' x 170'. Most have lived on this street for 30 plus years.

Hewitson Road, Stoney Creek, L8E 2T3



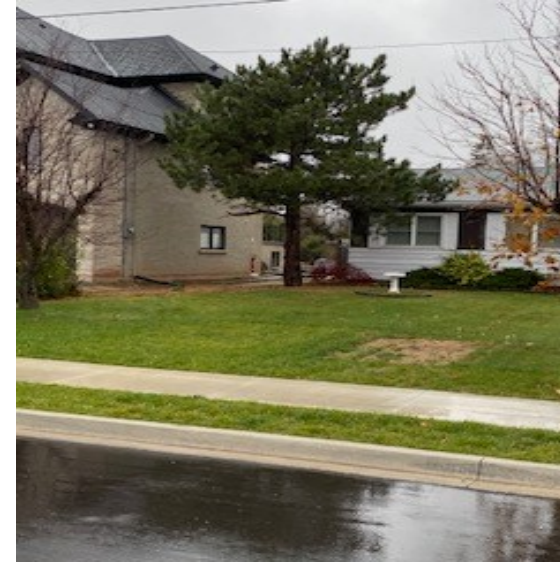
9
Hewitson
Road



11 Hewitson

Please refer to the next slide to view new construction of 9 Hewitson Road.

Living beside a Monster Home



9 Hewitson Road is just under 5000 square feet and is estimated to be 10.99 metres, just under the maximum residential by-law. Refer to next slide to view frontage and backyard profiles

Setback and Backyard Depths



Balconies oversee backyards from the south, north, east and beyond to the next street



Front of home situated approximately 20 feet ahead of all other homes. Not within the neighborhood's characteristic makeup

While 9 Hewitson Road has been built and nothing can be done, we now face 11 Hewitson Road becoming the next “monster home” on the street. It has recently sold. My neighbor of 36 years became overwhelmed by the construction of 9 Hewitson Road expressing to many that he could no longer bear it. The construction affected his mere right to sunlight and his privacy. The construction of this home took his right away to that exposure to the sun that he had experienced all his life. He told neighbors that he couldn't go in his backyard as his neighbors could look within his backyard 35 feet up into his backyard. Windows he once had, were no more than just pieces of glass.

Consider..

A sunny day may do more than just boost your mood -- it may increase levels of a natural antidepressant in the brain. Studies show that the brain produces more of the mood-lifting chemical serotonin on sunny days than on darker days.

Researchers say the findings provide more evidence that lack of sunlight and reduced serotonin levels are important in the development of seasonal affective disorder (SAD).



POTENTIAL HOMES THAT CAN BE DEMOLISHED

What will happen if nothing is done....

Progress to date....

Meeting with Lloyd Ferguson who has offered to assist this area's councilperson. Mr. Ferguson states that the existing 05-200 Residential Monster Pilot has been successful.

Meeting with Allana Fulford of the Planning Committee assigned to the Residential-Low Density By-law.

In the stages of identifying those lots within the Municipality of Hamilton that are considered large lots.

Meeting with both Allana and her Manager Joanne Hickey-Evans

Next...

This is not just one or two homes on this street, the potential is vast.

To have the City's Planning Committee look at expediting a plan to have those homes identified in the City and for the Monster Home Pilot to be adopted by those identified properties.

Meeting with Planning Department outcome...

Request be made by the Planning Committee to have planning department conduct special study of this street and others like it.

To review any Building Permits submitted moving forward that involve a demolishing permit. Apply the current adopted Monster Home Pilot.

From: Ian Hanna
Sent: December 2, 2020 6:42 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Re: FW: UHOPA-20-006 ZAC-20-011

I would like to put in my opposition to the project. I believe that it sets a very dangerous precedent that other developers will take advantage of.

Thank you,

Ian Hanna

From: Doug McLennan
Sent: December 2, 2020 10:46 PM
To: Van Rooi, James <James.VanRooi@hamilton.ca>
Subject: 15 Church St Ancaster - do NOT approve development plan

Good evening, sir

I can't fathom how the Hamilton Planning Department can even entertain the proposed redevelopment of this property. There isn't one compelling justification to make the very significant regulatory and zoning amendments required - safety of pedestrians, safety of traffic, negative impact on all neighbours on the street are all considerations that seem to be ignored.

The optics of this application and approval process are very, very poor and its legacy will manifest itself in many ways, including even greater and very public scrutiny of developer submissions, relationships and interaction with city representatives. The current public perspective is highly cynical and unfavourable. Turn this development down outright. It's just plain bad.

Doug McLennan
Ancaster

From: Karen M
Sent: December 2, 2020 8:03 PM
To: Van Rooi, James <James.VanRooi@hamilton.ca>
Subject: 15 church street ancaster

Hello, as a fellow resident of the ancaster village, (Sulphur Springs Road) my husband and I are extremely opposed to the demolition and redevelopment of 15 church street into 6 big townhomes. We have three small children who use that road frequently to access the library and splash pad and radial trails, and the street and sidewalk is not wide enough to accommodate extra parked vehicles and more traffic!

From: Honor Hughes
Sent: December 3, 2020 2:33 PM
To: Van Rooi, James <James.VanRooi@hamilton.ca>
Subject: 15 Church Street Demolition and Redevelopment UHOPA-20-006 ZAC-20-011

Dear Sir

I am writing in respect to the above property and the proposed development on that site by the developer, Veloce Homes who has purchased the house and lot.

Firstly, I am saddened that there would even be consideration given for demolition of such a fine example of an Arts & Crafts style home which is 100 years old and has particular appealing exterior features such as incredible original stained glass, wrap around porch, brick pillars and a charming lot that makes it an elegant addition to Church Street. Just like The Brandon House that was demolished earlier in the year, this property is a feature in the streetscape in Ancaster Village. I have always thought it could have been utilized for a commercial business, someone that would have worked with its character providing ample parking alongside it, or even restored for use as a single-family residential home as it is a grand Dame and is not in anyway in bad enough shape to warrant tearing down.

Secondly, I am beyond disappointed that the proposed development on that site is for six 2.5 storey townhouses, a development wholly unsuitable for that part of Ancaster. Church Street is a very narrow street that already suffers as a result of it being a cut-through from Wilson Street to Rousseau Street when traffic is heavy on Wilson. It provides access to Lodor Street for residents who use the tennis courts, lawn bowling and to access the rear parking lot for the library/splashpad. The street also has very narrow sidewalks, which if this development gets the go-ahead will cause problems for pedestrians trying to walk when they will have 6 driveways abutting the sidewalk. Most homeowners have 2 cars and extra homeowners on the street will inevitably lead to more visitors, which for a street with no parking just pushes the issues onto other neighbouring streets. Having the driveways abutting the sidewalk would also be dangerous for children not seeing cars reversing off them. Old Ancaster is trying to preserve what little character we have, and squeezing such a development as this on that lot would not fit in amongst the neighbouring character properties. That lot would have been far nicer if the developer had taken the trouble to have restored 15 Church Street and built a single detached home on the remainder of the lot in a style in keeping with the area. There would have been ample space for parking for 15 Church Street and one other home that would not have increased the amount of cars to the extent that 6 townhomes would. Guaranteed the developer would have then had the approval of the community. Modern 2.5 storey townhomes will infringe on the privacy and light of neighbouring properties. I'm all for developers trying to creatively work with available lots but infill should not be at the expense of demolishing a property, that with fairly minimal renovation, could continue to stand as the gateway to the area of Maywood showcasing that era of craftsmanship and building design.

I think making concessions by allowing developers to get around the zoning bylaws sets a dangerous precedent going forward. We have to remain firm that bylaws are there for a purpose, to protect an area from over-development so that it isn't changed beyond recognition. I sincerely hope that the Planning Department will see fit to acknowledge that this development isn't suitable on that lot and to advise the developer to produce an alternative plan that would fit the area and save 15 Church Street at the same time. We can't afford to lose any more of our heritage properties and to allow over intensification in a downtown core.

Regards

Honor Hughes
Resident of Ancaster

From: Gayle Villeneuve
Sent: December 3, 2020 3:26 PM
To: Van Rooi, James <James.VanRooi@hamilton.ca>
Subject: 15 Church Street Demolition and Redevelopment

Dear Mr VanRooi,

The other day I was at the Ancaster library and took a walk over to the sign that is posted at 15 Church. I could not believe that this small lot on this narrow street in this area of single family homes will be the site of six 2 ½ storey townhouses! Adding another 12 vehicles to this already busy neighbourhood will be a safety issue with cars taking shortcuts to avoid the Rousseau/Wilson stoplight. These zoning changes should not be approved, the people of Ancaster are against this intensification of townhouses crammed everywhere around our town.

The developers are having their way with the City planners and I respectfully ask that the City take into consideration our objection to these amendments on your files UHOPA -20-006 and ZAC-20-011.

Gayle Villeneuve

From: Heather Bull
Sent: December 2, 2020 11:39 PM
To: Van Rooi, James <James.VanRooi@hamilton.ca>
Subject: 15 Church Street Planning Applications UHOPA-20-006 / ZAC-20-011

Subject: RE: 15 Church Street Planning Applications UHOPA-20-006 / ZAC-20-011

Dear Mr. Van Rooi,

Unfortunately, I will not be able to join in on the virtual meeting on Dec. 8th.

As our property abuts 15 Church street, I just wanted to let you know that if I was available, I would be opposed to this development, and I would question the parking/traffic issues in this area.

Should this lot remain as a single family dwelling, there would be an average of 2 cars coming and going from this site, onto Church Street and then onto the adjoining roads. If the proposed construction is allowed there would be 6 times that amount of traffic, maybe more! There are several businesses within about 100 meters of this proposed monstrosity, that already have ample children/pedestrian traffic:

Purple Pony Ice Cream Parlor

Caniche Bakery

Tim Horton's and surrounding businesses in that plaza (Sugar and Spice holds **children's** parties)

Rexall Pharmacy

Funeral Home....very limited parking there also, so some parking spills over into the surrounding neighbourhood

Cavallo Nero Restaurant

The Rousseau House/Blackbird Restaurant

The Coach and Lantern Restaurant

Medical arts building across the street, with doctors, dentists and orthodontists
(Children, Children, Children)

Medical building right next door

Little Gems Day Care: I know that all the staff from this business, park in the Fire Hall Arts building parking lot and many parents park there too, or at the Old Police Building (Tisdale House) and walk across the street due to the limited parking at Little Gems.

There is ample pedestrian traffic to this business especially in the morning.

Ancaster Minor Sports Association Building, where **children** register for soccer and hockey, etc.

Old Fire Hall Arts building that runs **children's** camps in the summer and other programs after school (this parking lot, even during Covid; is always full)

Ancaster cycle-**children**

Splash Pad/Park/Tennis courts/Lawn bowling (**extreme child/pedestrian traffic** especially during the summer)

Library (**very high traffic** especially when there's no Covid)

Town Hall (often rented for **children's** birthday parties) not to mention anniversaries and other milestone birthdays for the elderly, that involve **grandchildren** (tree lighting and displays. They are still doing the displays even with Covid this year.)

And lastly the New Memorial Arts building currently under construction, which is already advertising that they will not have enough parking for many of the proposed events planned there! I imagine if I was looking for parking to an event there, I would come down Church street.

Please consider the foot traffic passing by 15 Church Street already; and how devastating an impact it will have, if there are another 12 or more vehicles coming and going into this already extremely busy area where children and other pedestrians abound.

Sincerely,
Heather Bull

From: **Marc Bader**

Date: Thu, Dec 3, 2020 at 1:17 PM

Subject: 15 Church Street Demolition and Redevelopment City Files: UHOPA-20-006 ZAC-20-011

Dear Mr. VanRooi:

We are Ancaster residents and are 100% against this application. We are still a small town having a unique heritage and we want to keep it that way. The building of 6 townhouse units will cause increased traffic along Church, Lodor and Academy streets which are already busy in normal times due to traffic detouring trying to avoid the Rousseau/Wilson stoplight. These buildings will be out of sync with the neighbourhood and cause safety issues because the street is so narrow. These 2 1/2 storey units will overlook neighbours' yards diminishing any privacy there was. One wonders about the increased influence developers have over governments these days and exactly how this influence is achieved. Tell your developer friends to go build somewhere else. Please leave Ancaster as is. Ever since amalgamation with Hamilton, we have been overly exposed to development. We have had enough - leave us alone to be the small town we love.

Marc Bader

From: Jennifer Davis
 Sent: December 4, 2020 10:54 AM
 To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
 Cc: Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; Bob Maton; Jim MacLeod; Van Rooi, James <James.VanRooi@hamilton.ca>
 Subject: STOP 15 Church Street Ancaster

Hello

This email is in response to the Notice of the Public Hearing Application for consent regarding the proposed Development of 15 Church Street in Ancaster, Ontario on December 8, 2020 at 9:30 am at Hamilton City Hall. The developer has requested to have zoning changes and a number of variances in order to construct a large 6 Unit Townhouse Complex at that address. It is currently zoned "Existing Residential" with a Heritage Home on the site built in 1920. I am writing to express my extreme opposition to this 6 Townhouse Complex.

Character of the Neighbourhood:

- This Applicant's Proposed Plan would significantly change the character of the Neighbourhood and the character of the Neighbourhood is deserving of protection. The streetscape would not be compatible with nor would it respect the established physical character of Church Street, nor the nearby streets of Lodor and Academy Streets. There are no Townhouse Complexes on these nearby streets.
- This development would be in violation of the Ancaster Monster Home By-law passed by the City of Hamilton in 2018.
- There are also a number of mature trees that would be in danger and the impact on neighbouring properties from loss of screening, privacy, shade and greenery would be great.

Water Drainage and Sewers:

- This large development will also impact land drainage during severe weather with significant run off to Century Old Neighbourhood Homes and the large Public Parking Lot directly behind this property.
- The City of Hamilton recently declared a Climate Crisis and nothing in the Developer's Report addresses how to protect the neighbouring homes from this impact.

Therefore the Management of Development Engineering as well as the Planning Department for the City of Hamilton will be responsible for all homes and property that suffer water damage and/or flooding.

Traffic:

- There is nothing in the Developer's Proposed Plan that addresses the severe traffic congestion to motorists and pedestrians on this very old and narrow street. The neighbourhood residents have requested a Traffic Study by the City of Hamilton to calm the traffic flow.
- The Developers's Report item 2.0 Property Description and Neighbourhood Context dated December 2019 states:

"Church Street is developed as a local municipal street, fully urbanized with sidewalks on one side abutting subject property (as illustrated in a photograph). The current road allowance has a reduced width and preliminary review suggest the need for road widening.

- Church street is so narrow a garage truck or a School Bus take up most of the roadway and cars can not pass in the opposite direction.
- Church Street is also a School Bus Route for the Hamilton District Public Schools, The Hamilton District Catholic Schools as well as two Private Schools in the Area.

Increasing the Density in this area of the Village of Ancaster would be an unnecessary hardship and danger to the Residents of Ancaster.

Is there any persuasive argument for the Applicant's request beyond whimsy or profit?

There are no valid reasons for Planning Authorities to approve this Townhouse Development.

Request:

- I therefore request that the Planning Department deny the Developer's request for 15 Church Street in Ancaster, Ontario. I further request that the City of Hamilton staff clearly and comprehensively document the specific reasons for denial of the application to ensure the current Zoning Policies and By-laws are maintained. The home owners of Church, Lodor and Academy Streets and the citizens of Ancaster have the right to enjoy the positive qualities of this neighbourhood and are entitled to the protection afforded by the current Zoning Standards of "Existing Residential "ER". It would be a breach of trust should these Zoning Policies and By-Laws be diminished.

I look forward to receiving the Planning Committee's Report denying the applicant's proposal.

Jennifer Davis
Ancaster, Ontario

From: Dave Gray
Sent: December 5, 2020 1:18 PM
To: clerk@hamilton.ca; Van Rooi, James <James.VanRooi@hamilton.ca>
Subject: 15 Church St demolition and replacement

Hello,

I am writing to add my disapproval of the proposed development at 15 Church St in Ancaster. I will try to be brief.

The location is too central to the heritage sites of the Ancaster Village. It would not match the character of the neighborhood.

Church street would require major renovations to accommodate the increased traffic and waste water from 6 homes (apposed to 1). The street is very narrow and probably the most rutted road in Ancaster.

Intensification and affordable housing is important and inevitable but there must be another location that meets requirement better than this village lot.

Thank you for your time.

Regards,

David Gray

From: jaynn miller
Sent: December 3, 2020 6:39 PM
To: Van Rooi, James <James.VanRooi@hamilton.ca>
Subject: Application: UHPOA-20-011. ZAC-20-011

Attention: James Vanrooi

We would like it to go on record that Kevin and Jaynn Miller appose the Application sited above related to 15 Church Street, Ancaster.

As requested, we submitted our comment package by the deadline prior to the COVID cancellation came into effect. We have received the Notice of Public Meeting and read the Staff Report.

Also, could you clarify when the Site Plan Control Stage takes place.

Following the December 8th public meeting and prior to final approval of the application?

Regards,
Jaynn and Kevin Miller
Ancaster

From: Barb Morse
Sent: December 4, 2020 9:24 AM
To: Van Rooi, James <James.VanRooi@hamilton.ca>
Cc: Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; Bishop, Kathy <Kathy.Bishop@hamilton.ca>
Subject: 15 Church Street Demolition and Redevelopment Files: UHOPA-20-006 and ZAC-20-011

Dear Mr. VanRooi

During a recent walk, I noticed a sign posted on Church street in Ancaster. I am in opposition to this proposed rezoning and redevelopment project. The idea of crowding in 6 town houses where a single, 100 year-old home currently stands is wrong. These town houses are not in keeping with the nature of the current neighbourhood. There is already a huge amount of development and intensification occurring in and around Ancaster. This over emphasis on development is destroying the lifestyle and look of what makes Ancaster such a beautiful place to live. The developers are becoming rich at the expense of current residents' quality of life. Our taxes go up and the developers pocket profits.

All this intensification is destroying our ever-shrinking green spaces, overcrowding our neighbourhoods and creating traffic gridlock. This is not what I want my Ancaster to become. I do not want to become an urban centre.

Please carefully review this application to rezone. I can see no benefits to the existing community if this development proceeds.

Please confirm that you have received this email in opposition to files: UHOPA-20-006 and ZAC-20-001

Thank you,
Sincerely,

Barb Russell-Morse
Ancaster

From: David Hindley
Sent: December 4, 2020 12:28 PM
To: Van Rooi, James <James.VanRooi@hamilton.ca>
Subject: Redevelopment of 15 Church Street, Ancaster

Mr Vanrooi,

I want to let you know how concerned I am about the proposal to build 6 townhouse units at 15 Church St., Ancaster. I have read the staff report recommending approval of this proposal and have obtained permission to speak at next Tuesday's Planning meeting.

Others have, more eloquently than me, outlined the unprecedented multiple departures from the current zoning regulations, the totally inappropriate type of development for this location, and the various issues related to parking in the neighborhood.

One of the issues that I would like to address relates to parking at the development. The design shows two parking spaces per dwelling unit. To clarify – this is one space in the garage and the second on a short single width driveway requiring any large vehicle to be parked up against the garage doors to avoid hanging over the sidewalk. Having lived at one time in a similar dwelling I know how much car shuffling goes on. Moving the driveway car on to the street, illegally parking, then moving the car in the garage out onto the street, illegally parking before putting the first car back on the drive. Multiply this by six dwellings. Now consider that this is happening less than 50 metres from the Church and Wilson Street traffic lights on a street that is so narrow that vehicles tend to slow down to pass each other. If this activity is going on during the morning rush hour then I can see huge issues with the traffic that routinely speeds across Wilson to use Church, Lodor and Academy as a cut through.

In addition to this, where are visitors, delivery and service vehicles going to park? Church is so narrow that parking is not allowed on it all. I can see a situation where large delivery and service vehicles have to park on the sidewalk. There is no sidewalk on the other side of Church so pedestrians will be forced on to the street and will take their lives in their hands.

I have concerns that this development is not architecturally consistent with the surrounding area. The response to this in the staff report on the application for amendments states that the proposed two and a half storeys would be an appropriate transition between the residential neighbourhood and the allowed 3 storey commercial/office uses on Wilson. This statement is somewhat ingenuous in that the nearest (and only) three storey building in the village core are the recently built offices at Wilson and Academy, a quarter of a kilometer away. The adjacent medical building on the corner of Wilson and Church is one storey. The pre-confederation house on the opposite side of Church is one and half storeys, the pre-confederation police museum directly opposite the proposed development is one and a half storeys. How can this be an appropriate transition?

There have been a number of higher density developments in the Ancaster Village area over the last few years. To the best of my knowledge all of these have been on much larger footprints on the major arteries through the village. I believe that this would be the first development of this kind fronting on to a residential street. If this is allowed to go ahead it will be the thin end of the wedge. It will be open season on all the homes on Church then Lodor and Academy. As each one comes up for sale developers will make the residents offers they can't refuse and if the precedent has already been set then it's more likely that town house blocks will be built. The staff report addresses this concern by saying that any future applications would be reviewed on their merits of the proposal. In my opinion this application has no merit at all so I don't hold out any hope of any future proposal being rejected.

Regards, David Hindley

From: David Wallis
Sent: December 4, 2020 6:40 PM
To: Van Rooi, James <James.VanRooi@hamilton.ca>
Cc: Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>
Subject: RE 15 Church Steet Demolition and Development

David Wallis, Ancaster Resident

RE: 15 Church Street Demolition and Redevelopment

City Files: UHOPA-20-006

ZAC-20-011

Dear Mr. Van Rooi.

I am writing to you with my concerns on the proposed development at 15 Church Street in Ancaster Village.

With so many residents of Ancaster feeling desperate to save or re-imagine Ancaster Village, I feel that this proposed development is not a good fit in retaining or adding to the character of Ancaster Village.

The proposed developer has proven he is a good builder and designed a few beautiful homes around Ancaster. If the existing character home must be torn down, I respectfully suggest he build 1 home on that land with character acknowledging a village aspect. In viewing his developments online, I am sure he is talented enough to create an old with modern design using the existing home!

However, the proposed 6 townhomes squeezed onto this lot is unreasonable for an area of single-family homes and a narrow street with no parking.

I am not opposed to development, I am for good and visionary development, especially in re-imaging what Ancaster Village could look like.

However, I am concerned that the development of Ancaster Village is at risk to developers in-filling the village with inappropriate buildings. With the right development, Ancaster Village has the most potential to be a jewel destination within in our city.

As the gate keeper and visionary to development to Hamilton & the Ancaster Village, I will share with you - a developer that I think has gotten it right in Quebec. Having the chance to re-imagine Ancaster Village, it might one day look something like this: <https://www.hendrickfarm.ca/lifestyle/village-centre/>

The development of Ancaster Village has the potential to be something special or something missed.

With the Ancaster Meadowlands, the development of Ancaster West and all the stock housing now along Garner Road, I have had my fill of stucco, boxed, bland and forgetful.

For the history of Ancaster, I ask for you and the City of Hamilton to have the vision to make the Ancaster Village memorable and the jewel it could be.

Respectfully,

David G. Wallis

From: Dianne Auty
Sent: December 5, 2020 2:22 PM
To: Van Rooi, James <James.VanRooi@hamilton.ca>
Subject: 15 Church Street, Ancaster

James Van Rooi
Senior Planner
City of Hamilton

Dear Sir:

We are writing to express our strong opposition to the demolition and proposed development at 15 Church Street, Ancaster.

- The proposed development of 6 2 1/2 story townhouses threatens the heritage and character of the village core.
- The style of housing does not fit in with others in the neighbourhood nor does it fit on the the size of the property.
- The resulting number of vehicles would cause an increase in the traffic problems which already exist in the area.
- There will be a reduction in the walkability of the neighbourhood which is already compromised because of the amount of traffic going through Ancaster.

The densification of Ancaster is leading to a characterless town as witnessed by the recent sea of nondescript townhouses and houses along Garner Road. Research has shown that densification is isolating and has physical and psychological implications.

We hope that you will consider the legacy being created with the changes being made to Ancaster.

Sincerely,
Dianne Auty
Harley Auty
Ancaster, ON

From: Cynthia Watson <
Sent: December 5, 2020 4:29 PM
To: Van Rooi, James <James.VanRooi@hamilton.ca>
Subject: 15 Church Street, Ancaster, ON

Dear Mr. Vanrooi,

I realize this is a 12th hour email but I object to the tearing down of a 100 year old house at 15 Church and building the 6 2.5 storey townhomes,

I live on Lodor St. and have witnessed many near misses of cars vs pedestrians on my street. I have seen car vs car near misses as well. I almost get rear ended 50% of the time I occasionally use my front driveway. I have watched people just fly down this street and run the stop sign at Lodor and Academy. I have seen cars cutting through the neighbourhood have to "stop by snow bank" in the winter on Academy. I have seen the neighbour's small hedge be essentially ran over from people parking in front of it and then deciding it is too busy and try to turn around on our small street.

I have already called out Councilman Ferguson many times for selling out the village to modern big business who want to ruin the charm of the village. We bought here because of that charm and now y'all seem to want to ruin it and the heritage of this historic area. The traffic, especially during what is called rush hour, is horrendous on these small streets. They speed and, if a car is parked on the road, they will drive up on the sidewalks to not have to wait for a car that has the right away. This has happened and a young mother pulling her tot in a wagon was almost hit. My neighbour was basically assaulted by a driver who did not like that Dave was doing the speed limit on the roads. The other driver pulled around, passed him, ran the stop sign at Academy and continued on. They both ended up at the light on Rousseau at McNiven and the other driver got out of his car and threw coffee at Dave, hitting his vehicle with the cup. By the way, Lodor St. is approximately 20 feet wide and frankly, we need speed cushions.

This type of behaviour, that Ferguson only calls "bad behaviour", is commonplace with the people that drive through here to avoid the lights at Wilson and Rousseau. Now you want to add to that traffic and possibly add more bad behaviour. Do you people plan on stopping when someone dies from a speeder or someone driving up on the sidewalk? We have a changing neighbourhood. We are a mix of elderly, near elderly like myself and now young people are moving in to raise their children. On what? Unsafe streets because you want to make this historic charming village a higher density area? That is for the Meadowlands, not the historic Village that dates back to 1793.

The townhomes will ruin the feel of the village and add more stress to our aging infrastructure. Not to mention add at minimum 12 more vehicles that will have no place to park except on Lodor.

I know from experience that y'all are "yes men" to the \$\$\$ and not to the will of the people but I am asking you that this time you consider the factors of how this will damage the village and the Maywood neighbourhood.

Thank you,

Cynthia Watson
Ancaster.

From: Gail Lazzarato
Sent: December 6, 2020 9:13 AM
To: Van Rooi, James <James.VanRooi@hamilton.ca>
Subject: 15 Church Street Demolition and Redevelopment

Regarding City Files UHOPA-20-006

Once again I am appalled that the core of Ancaster is under siege from developers. The proposed development at 15 Church street is beyond all by-law and zoning restrictions, does not fit within the neighbourhood, is crammed onto the lot and Requires the destruction of a 100 year old building!!!! . What happened to the bylaw passed against MONSTER homes being built???? Is this not basically the same thing???? This road is barely wide enough for 2 cars to pass each other...what will the impact of construction equipment be even at a safety level, where will their visitors park, what if they have 2 cars, and the impact of the neighbours across the street? I can't imagine my daily walks looking at a 2 1/2 story townhouse development towering over the quiet street scape of old downtown Ancaster! Hamilton NEEDS TO STOP THIS FROM HAPPENING!!!!!!

Gail Lazzarato

From: Elaine Simon
Sent: December 6, 2020 11:14 AM
To: Van Rooi, James <James.VanRooi@hamilton.ca>
Subject: Church Street Ancaster

Good day Sir,

I am writing to express my totally and complete opposition to the proposed demolition and development of this home.

I get the sense that Ancaster is being viewed as a goldmine for developers — come to Ancaster— we tear down 100 year old homes to put up high density unimaginative row homes, that are totally forgettable.

You need to drive down Wilson sT in the morning to see the cars backed up on Wilson , streaming out of the TimHorton's drive through ???

This lovely home sits right in the heart of "theVillage" and could easily be made a viable part of the community again.

PLEASE do not follow through with this proposal.

Sincerely,

Elaine Simon (whose very dear friend used to live in that home) Ancaster resident since 1983.

December 6, 2020

City of Hamilton

Planning Committee

RE: Zoning By-law Amendment (File No. ZAC-20-011)

As Ancaster residents on Lodor Street, within sight of the subject premises, we STRONGLY oppose the proposed amendment.

Our reasons have been clearly presented in the report on August 20, 2020 by Mr. Jim MacLeod.

Please DENY this rezoning application.

Respectfully

Diane and Jerry Cole

From: Darren Earl
Sent: December 6, 2020 10:21 PM
To: Van Rooi, James <James.VanRooi@hamilton.ca>
Cc: Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>
Subject: Reference UHOPA-20-006 and ZAC-20-011

in reference rezoning of 15 Church Street Ancaster (UHOPA-20-006 and ZAC-20-011)

Darren Earl

Ancaster ON

I am writing to express my concern over the planned townhouse development at 15 Church street in Ancaster Ontario. I am an Ancaster resident and frequently walk by this property along Church street as I bring my children to the local daycare center.

I have issues with many of the conclusion drawn by staff as to why this application should be approved.

- 1) I have issue with the "ANALYSIS AND RATIONALE FOR RECOMMENDATION" point 1 sub point 4

"The proposed development represents good planning by, among other things, providing a compact and efficient urban form that is compatible with the area, enhances and continues the streetscape of the neighbourhood and provides additional housing opportunities in the community.

The proposal of 6 townhouses would in no way continue the streetscape of the local buildings. Directly across from this building is one of the oldest town halls in all of Canada. Comparing modern 2.5 store "urban efficient" town houses to heritage buildings is simple not rational. Not to mention the countless other heritage homes and buildings on neighboring properties.

- 2) I have issue with the "ANALYSIS AND RATIONALE FOR RECOMMENDATION" point 2

"The Official Plan Amendment is for an amendment to the Ancaster Wilson Street Secondary Plan to change the designation from "Low Density Residential 1" to "Low Density Residential 3" to permit six, two and a half storey street townhouses"

By Referencing the zoning map in [Appendix "B" to Report PED20205 Page 5 of 5] one can see that there are currently no "Low density Residential 3" lots on the East side of Wilson street in the core of Ancaster Village. By changing this solitary plot you would be creating an out liner that does not conform to commune uses of the "Low density Residential 3" zoning. Once again referring to the zoning map one can see that all other uses of the "Low density Residential 3" zoning are on much wider and more substantial streets. Such as directly on Wilson, Halson or Fiddlers Green. This section of Church street is very narrow and in no way compares to streets like Wilson and Fiddlers green.

- 3) I have issues with city staff's justification for increasing zoning targets.

As confirmed by city staff on page 344 of "PLANNING COMMITTEE AGENDA Meeting #: 20-015" this area of Ancaster already meetings the Intensification targets set by the OMB. Therefore, there is no mandate for the city and community to increase densification through any and all

possible means. By design once targets are met city staff then have more discretion to approve developments that meet and enhance the local area rather than deform it.

To conclude, I believe that city staff should use the flexibility given to them by the fact that area does not require densification to reject the proposals:

1. Reject the proposal to change the zoning of 15 Church Street (Ancaster). From designation from "Low Density Residential 1" to "Low Density Residential 3"
2. Reject the change in zoning from the Existing Residential "ER" Zone, to Holding Residential Multiple "H-RM2-712"

Ancaster Village is a community older than Canada itself. People from all over Hamilton and the GTHA come to experience and enjoy that heritage. Our community's greatest asset is our physical heritage, it is what draws people in. If we let it slip away, we will not get it back.

Regards

Darren Earl

From: Erin Davis
Sent: December 7, 2020 9:29 AM
To: Van Rooi, James <James.VanRooi@hamilton.ca>
Cc: Bob Maton
Subject: opposing UHOPA-20-006 ZAC-20-011

City Files: UHOPA-20-006

ZAC-20-011

I oppose this Application on several grounds

1 - the traffic congestion. The Town of Ancaster doesn't have the infrastructure to handle this kind of change,

2 - The character of Ancaster of this ol' village architecturally this kind of proposed structure does fit into the character of the area.

Please stop this insanity.

Thank you please let me know you have receipt of this email.

Erin LDavis

From: Armando Gomez
Sent: December 7, 2020 9:34 AM
To: Van Rooi, James <James.VanRooi@hamilton.ca>
Subject: UHOPA-20-006 ZAC-20-011

City Files: UHOPA-20-006

ZAC-20-011

I would like it to be on record that I oppose this Application .

This town has a great character and it is one of the many reason why my wife and I moved here.
The small town vintage character.

This proposal is completely out of character for this area, and this small town doesn't have the infrastructure to properly support this proposal.

Please stop this insanity.

Armando Gomez

Ancaster

December 03, 2020

Dear Mr. Van Rooi,

Re: 15 Church Street Demolition and Redevelopment

City Files: UHOPA-20-006
ZAC-20-011

As the resident of [REDACTED], directly across the home of discussion, I have several concerns regarding the submitted requests for the development and re-zoning of this property.

Firstly, I am appalled at the lack of regard for this home's heritage status. This home is in the heart of Ancaster, a mere two buildings directly east from the stunning 1873 Town Hall, directly across the street from the Tisdale house, very carefully restored and repurposed into the Hamilton Police Museum, as well as the Ancaster Soccer Club structure, also restored in keeping with its era. As a resident who was born and raised in Ancaster, I am proud of our heritage, and know it is important to preserve history for our next generations. 15 Church Street is not the place for new development, it cheapens the history directly surrounding this property. I am extremely disappointed that new and/or expanded development (not to mention re-zoning!) is even a consideration for this historic core property.

Secondly, Church Street is already at capacity as a narrow side street serving the Maywood neighbourhood. This street regularly exceeds safety conditions with overflowing traffic during rush hours and during the spring-summer-fall tennis season. Merely a narrow side street, I believe it is impossible for 6 new driveways to be added to this street, especially so near to the Wilson Street intersection and with the little hill into the neighbourhood that currently creates a traffic blind spot and pedestrian risk. According to development plans, these "driveways" are shorter than acceptable, in that a parked vehicle would block the existing sidewalk. Pedestrians are at risk already as we speak, and this will only increase risk levels. My 6- and 9-year-old children have both had several extremely close calls with careless drivers on this street. Furthermore, I question future city planning, if indeed this development were to go through, at what expense would the road conditions meet safety codes? Where would extra space be taken from to accommodate a wider street? I believe I would speak for all my neighbours when I say the last thing we would care to see is the road moving closer to our homes on the south-west side of the street.

Please consider our collective concerns raised as a community. Development and re-zoning will have many negative impacts for our stunning Maywood Neighbourhood, ranging from safety concerns, privacy concerns, and historical negligence. Please consider Ancaster's charming historic core; I urge you to honour the wealth of history we are privileged to live, work, and play in.

Unfortunately, I cannot attend the City Planning Meeting scheduled for December 8th, but I thank you for your time and for hearing my concerns as well as those from the community. Please do not hesitate to contact me should you have any questions.

Sincerely,

[REDACTED]

Nicolette Verhey Stubbe

[REDACTED]

From: Len Verhey
Sent: December 7, 2020 10:38 AM
To: Van Rooi, James <James.VanRooi@hamilton.ca>
Cc: Bob Maton ; Nicolette Stubbe
Subject: RE: 15 Church Street, Ancaster, Letter of Concern

Good morning Mr. VanRooi,

As owner of ## Church Street, we echo the concerns raised in the attached letter.

Respectfully,

Len

From: Nicolette Stubbe
Sent: Monday, December 7, 2020 10:15 AM
To: james.vanrooi@hamilton.ca
Cc: Len Verhey <>; Bob Maton <>
Subject: 15 Church Street, Ancaster, Letter of Concern

Hello Mr. VanRooi,

Please find my letter of concern attached. Thank-you for your time and consideration.

Sincerely,

Nicolette Stubbe

From: Sandy Maton
Sent: December 7, 2020 11:45 AM
To: Van Rooi, James <James.VanRooi@hamilton.ca>
Subject: Re: 15 Church Street

Dear Mr. Van Rooi

I am writing to express my heart felt opposition to the proposed development on Church Street!

We live in a very unique place, Ancaster Village. Suggesting a 6 townhouse development, which would be 2 1/2 stories high on a postage size lot is TOTALLY out of keeping with the houses and businesses close by! Have you no concern about this HUGE complex, towering over all the other buildings in our neighborhood and effectively ruining the streetscape! We would have the same objection to a Monster home on that property! We CANNOT have this, as the beginning of further outrageous developments!

In addition to the inappropriateness of this development, the speed and volume on Church, Lodor and Academy has been a REAL problem for many years now.

Anecdotally, we know of many near misses, due to speed and volume of traffic.

Our own experience, is of a vehicle not stopping at Church and Lodor, and crossing the road and becoming wedged in the back tire of our Civic!

Surely, you are not waiting for a fatality, before you take notice of our grave concerns.

In conclusion, God has something to say to you: "If you are good, you are guided by honesty. People who can't be trusted are destroyed by their own dishonesty."

(Proverbs 11:3)

Thank you for this opportunity to speak to the issue.

Sincerely yours

Sandy Omelon

From: Isaac Hoogland

Sent: December 7, 2020 12:01 PM

To: Van Rooi, James <James.VanRooi@hamilton.ca>; clerk@hamilton.ca

Subject: File UHOPA-20-006

Hello,

Please consider rejecting this application due to the driveways being too short.

Thank you,

Isaac

From: Michael Hill
Sent: December 7, 2020 2:45 PM
To: clerk@hamilton.ca
Subject: Re: Application UHOPA-20-006

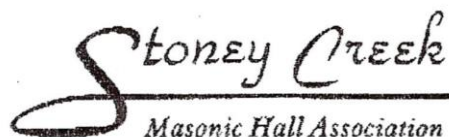
Just three points to add to your report approving this application.

Point 1: I would hope that Councillors and Committee Members would be given readable copies of my email and others who took the time to write in rather than the small unreadable print that I received.

Point 2: Of the 39 households that were required to be notified, 34 response were given. While the Act stipulates that homeowners within a given distance shall be notified, it does not speak to a matter of community and it, the distance, is only a minimum and not a maximum which the Council may decide as being more community wide as opposed to being neighbour David only.

Point 3: The drawings of the proposed buildings only show one parking space per household. The area reserved for a garage should not be considered a parking space.

Michael Hill
Hamilton, ON



19 Dawson Avenue • Stoney Creek, ON L8G 3T5

November 18, 2020

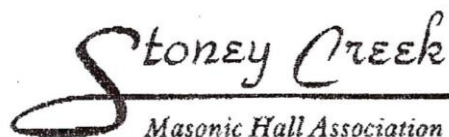
Planning Committee
City of Hamilton
71 Main Street West, 1st Floor
Hamilton, Ontario
L8P 4Y5

Re: File No. UHOPA-20-007

We are writing to voice our approval to the proposed plan to change the designation of the lands located at 19 Dawson Avenue in Stoney Creek from Institutional to medium density residential, and to permit the construction of five 2.5 story townhouse dwellings.

For several years as the membership of the Masonic Lodges operating out of that building were declining, it was evident that the building was no longer viable for our purposes. Having operated out of that building and in this community for decades, and having met several of the immediate neighbourhood residents, we are surprised that there are even a few households opposed to the development. Over the years there have been several complaints about our parking or lack thereof and many times there were remarks that residents could not wait until the property was converted back to residential.

In our earlier years and as recent as 3 years ago there were 3 Masonic Lodge's operating out of that building, with each Lodge having a minimum of 3 meetings per month. On special occasions for example, Christmas, Valentines day, Easter, and several Masonic Calendar occasions, there would be cause for extra social events with many more visitors than usual. Our meetings are a usually a minimum of 2 hours in length with at least another 2 hours in the banquet room. We also rented out the banquet room, often several times per month. Very often during these events the commercial kitchen would be in use, not to mention our 5 washrooms were always utilized. Never once was there a complaint about the water pressure during our events or those held by renters, where washrooms, sinks and other utilities were being used at capacity. We are adamant that there will be a reduction in use intensity by having 5 small family residences in place of 3 vibrant Lodges active in that building, and it is unfathomable that this proposal would be turned down after the huge development across the street was approved.



19 Dawson Avenue • Stoney Creek, ON L8G 3T5

On the issue of parking and traffic, we sometimes required 70 or more parking spaces most of which were on the street. With the construction of the 5-story retirement residence right across the road, and the Stoney Creek Dairy Parking facilities no longer available, It meant everyone now had to park on the road. We find it quite interesting that there would be given any consideration to the idea that parking will now increase, compared to the amount of parking we required. We also entertained the idea of selling the building to other entities, for example religious groups or daycare providers and the like. Each of these potential options would have not required the zoning change, but would have increased parking, traffic, and utility use issues. There was much thought put in about what we wanted in the perspective buyers of this land in this community, and for anyone who is questioning 5 townhouses and opposing this small project we believe they should further research the other potential outcomes. We have, and we are certain that this is the absolute best option, not only for this community specifically, but for the City of Hamilton in general.

We would also like to say a few personal words about Mr. Centofanti as we have come to know him well over the years. When we approached Marco to consider the purchase of the building over 2 years ago, Marco would not consider this project. However, over the course of one year and after consultation with family, lawyers, industry professionals and city staff, it became clear to him that this was something that he could undertake. However irrelevant, we believe Marco is a modest man and has the best intentions of the city and neighborhood in mind.

In conclusion, it would be a disappointment to our Lodge and the Stoney Creek Community as a whole, should this project, which city staff is already recommending approval of, be prevented from moving forward. It could cost the city and taxpayers dearly instead of gaining tax revenue, and more importantly it would be a GROSS INJUSTICE if council, who approved a large development like Amica, the shareholders of which are likely multi millionaires, could then turn around and not approve this proposal, potentially causing financial hardship to a new family.

Les R. Vass
President
Stoney Creek Masonic Hall Association

From: steve macdonald
Sent: December 4, 2020 9:26 AM
To: Collins, Chad <Chad.Collins@hamilton.ca>
Subject: 19 Dawson

Hi Chad my name is Steve Macdonald and I live at ## Passmore and i`am against the application for rezoning of 19 DAWSON IN Stoney Creek

Steve Macdonald
Stoney Creek

From: Ida Smith
Sent: November 27, 2020 4:11 PM
To: Collins, Chad <Chad.Collins@hamilton.ca>
Subject: 19 Dawson Ave

Hello,

I wish to oppose the plan to convert the existing Masonic Hall at 19 Dawson Ave into a row of 5 townhomes. I would prefer to see a single family dwelling in its replacement. Increased traffic is at the fore front of my concerns. With the addition of the retirement home and townhomes, we have see increased automobile traffic, even transport vehicles. This area was a quiet family friendly zone not so long ago. We still don't even have sidewalks for children or elderly with walkers.

Thanks


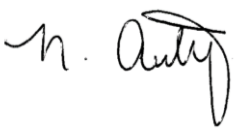
Ida Smith



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
 Hamilton Water Division

and
CORPORATE SERVICES DEPARTMENT
 Legal and Risk Management Services Division

PUBLICLY RELEASED AT THE DECEMBER 16, 2020 COUNCIL MEETING

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 8, 2020
SUBJECT/REPORT NO:	Use of Tertiary Septic Systems in Hamilton and Update re: Local Planning Appeal Tribunal Case No. PL170858 (PW20082/LS20032) (Wards 9, 10, 11, 12, 13 and 15)
WARD(S) AFFECTED:	Wards 9, 10, 11, 12, 13 and 15
PREPARED BY:	Bert Posedowski, Manager, WWW Systems Planning x3199 Mike Christie, Project Mgr-Source Protection Planning x6194 Stephen Chisholm, Solicitor x3663
SUBMITTED BY:	Mark Bainbridge Director, Water and Wastewater Planning and Capital Public Works Department
SIGNATURE:	
SUBMITTED BY:	Nicole Auty City Solicitor Legal and Risk Management Services
SIGNATURE:	

PUBLICLY RELEASED AT THE DECEMBER 16, 2020 COUNCIL MEETING

This Report PW20082/LS20032 is Confidential and its discussion in closed session is subject to the following requirement(s) of the City of Hamilton's Procedural By-law and the *Ontario Municipal Act, 2001*:

- **Litigation or potential litigation, including matters before administrative tribunals, affecting the City;**
- **Advice that is subject to solicitor - client privilege, including communications necessary for that purpose; and**

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Use of Tertiary Septic Systems in Hamilton and Update re: Local Planning Appeal Tribunal Case No. PL170858 (PW20082/LS20032) (Wards 9, 10, 11, 12, 13 and 15) - Page 2 of 7

PUBLICLY RELEASED AT THE DECEMBER 16, 2020 COUNCIL MEETING

- **A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.**

RECOMMENDATION(S)

- (a) That staff be directed to review and report back to Committee no later than June 2021, on proposals, if any, for the establishment of City policies or by-laws for the regulation, monitoring and enforcement of tertiary septic systems for residential developments;
- (b) That the Mayor be directed, on behalf of City Council, to forward correspondence substantially similar to that attached as Appendix “A” to Report PW20082/LS20032 to the Ministry of Agriculture, Food and Rural Affairs, the Ministry of the Environment, Conservation and Parks and the Ministry of Municipal Affairs and Housing requesting the legislative amendments necessary to appropriately regulate, monitor and enforce the appropriate construction, use and maintenance of tertiary septic systems in the Province of Ontario and that support for this initiative be sought from other Ontario municipalities;
- (c) [To remain confidential]; and
- (d) That Report PW20082/LS20032 including the Recommendations therein and Appendix “A” thereto be released to the public, except for Recommendation (c) and Appendix “B” attached to Report PW20082/LS20032 which shall remain confidential.

EXECUTIVE SUMMARY

As this report contains solicitor-client advice, seeks direction on current litigation and outlines the City’s negotiation position and objectives, it’s appropriate that this report be discussed in closed session.

This report is prompted by 2417985 Ontario Inc. and 2417972 Ontario Inc.’s successful appeal to the Local Planning Appeal Tribunal (LPAT) of a non-decision of an application to amend the Rural Hamilton Official Plan and Zoning By-law and a Plan of Subdivision to permit the development of a 20-lot residential subdivision at 34 11th Concession Rd. E. and 1800 Highway 6, Freelon.

SUBJECT: Use of Tertiary Septic Systems in Hamilton and Update re: Local Planning Appeal Tribunal Case No. PL170858 (PW20082/LS20032) (Wards 9, 10, 11, 12, 13 and 15) - Page 3 of 7

PUBLICLY RELEASED AT THE DECEMBER 16, 2020 COUNCIL MEETING

Subsequent to a five (5) day hearing, on August 29, 2019, LPAT Member Blair S. Taylor granted the appeal and approved the proposed development utilizing municipal water supply and private tertiary septic systems on lots smaller than the City of Hamilton's stated minimum lot size.

The City's position at the hearing was that: (a) there is not current firm capacity in the Freelon Water Supply System to support the proposed development; and (b) the tertiary septic system proposed to be used by the appellants – a nitrate-reducing system – is not recognized in, and therefore not enforceable, under the *Ontario Building Code*.

The City subsequently filed a request for a further review of Member Taylor's decision which was denied. To preserve the City's rights, City staff has now filed a Notice of Motion for Leave to Appeal to the Divisional Court and seeks further direction with respect to that appeal.

Staff believe that this adverse decision has implications for residential development in rural areas across the City, both with respect to its impacts on municipal water supply systems and, perhaps more significantly, on the use of 'alternative' tertiary treatment systems. Staff, therefore, believe it appropriate to conduct a comprehensive review of the use of tertiary septic systems with a view to proposing policies and bylaws for the appropriate construction, use and maintenance of systems while also bringing the issue to the attention of the provincial government and requesting appropriate regulation.

Alternatives for Consideration – See Page 6

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Staff have paid a \$300.00 filing fee for the Request for Review. Filing fees are also payable to the Divisional Court on the filing of the Notice of Motion. Should the Divisional Court proceeding continue through to a decision, the City could recover a percentage of its legal fees if the appeal is successful but would similarly face potential exposure for payment of a portion of the landowners' legal fees if the City's appeal is unsuccessful.

Staffing: N/A

Legal: As outlined in Appendix "B" to Report PW20082/LS20032

SUBJECT: Use of Tertiary Septic Systems in Hamilton and Update re: Local Planning Appeal Tribunal Case No. PL170858 (PW20082/LS20032) (Wards 9, 10, 11, 12, 13 and 15) - Page 4 of 7

PUBLICLY RELEASED AT THE DECEMBER 16, 2020 COUNCIL MEETING

HISTORICAL BACKGROUND

2417985 Ontario Inc. and 2417972 Ontario Inc. filed a Rural Hamilton Official Plan (RHOP) (RHOPA-14-001) and Zoning By-law Amendment (ZBA) (ZAR-15-002) application, together filed a proposed draft plan of subdivision with the City in November 2014 seeking permission to develop a 20 lot residential development on the land known municipally as 34 11th Concession Rd. E and 1800 Highway 6 in Freelon. The application was deemed complete in December 2014. In July 2017, the landowners appealed to the Tribunal as the City failed to make a decision within the statutory time frame.

City staff were not supportive of the application primarily on the following bases: 1. that the developer proposed the use of tertiary private on-site sewage treatment systems in an effort to obtain approval for lot sizes smaller than the minimum lot sizes set out in the RHOP; and, 2. that the Freelon Drinking Water System does not currently provide firm capacity under the Ministry of the Environment's "Design Guidelines for Drinking Water Systems" for new development in the area.

The concerns raised by staff in respect of the tertiary treatment systems relates to their operation and monitoring. The proposed systems are nitrate-reducing, in that they operate to reduce nitrate levels in the effluent. Nitrate is a key pollutant from sewage disposal systems that increases the risk to groundwater quality and public health. Nitrate-reducing technologies are not specifically approved and accounted for under the *Ontario Building Code*, which makes monitoring and enforcement of proper functioning of these systems problematic.

At the hearing, the Tribunal accepted evidence provided by the landowners' consultant that the proposed systems will achieve required drinking water standards at the property boundaries and that the *Ontario Building Code* contains general enforcement provisions (albeit perhaps not specific to this type of treatment system) that would require a system owner to maintain the system and would permit the City to inspect the system as required. Additionally, the Tribunal appeared to place some weight on the appellants' expressed willingness to enter into private maintenance agreements with notification requirements to the City in the event of the termination of the agreement.

SUBJECT: Use of Tertiary Septic Systems in Hamilton and Update re: Local Planning Appeal Tribunal Case No. PL170858 (PW20082/LS20032) (Wards 9, 10, 11, 12, 13 and 15) - Page 5 of 7

PUBLICLY RELEASED AT THE DECEMBER 16, 2020 COUNCIL MEETING

The approval of tertiary treatment systems as a basis for the approval of ‘undersized’ lots (i.e. lots smaller than the minimum sustainable lot size in the RHOP) is significant for proposed developments in all rural areas across the City. Staff have significant concerns regarding both the demonstrated effectiveness of these systems and the ability of the City to test, monitor or enforce their effective operation in perpetuity.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

As outlined in this Report.

RELEVANT CONSULTATION

Relevant consultation included the Planning Division, Hamilton Water Division, Growth Management Division, Building Division and Legal Services Division.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

The use of tertiary systems such as those proposed by this landowner is not supported by City staff for reasons primarily related to the lack of regulatory framework around monitoring and enforcement.

Contaminants that may enter groundwater from septic systems include nitrate, bacteria, viruses, detergents, and household cleaners. Based on data available to Hamilton Water, the proposed nitrate-reducing systems often initially perform adequately but can quickly decline in performance, even with regular, comprehensive maintenance. Hamilton Water has concerns that if nitrate-reducing technologies become widely accepted to justify undersized lots in the rural area, the risks of poor septic system performance would lead to degraded groundwater quality for private well owners and increase acute and chronic health risks to these residents. The City’s lack of effective enforcement powers under the *Ontario Building Code* only increases that risk.

Another limitation staff have identified relates to Planning approvals in that, if these advanced systems are proposed to justify a development on an undersized lot, any landowner who later decides to replace an “advanced” nitrate reducing septic system with a conventional system could then easily exceed the capacity of the lot to absorb the effluent. The City would not have any ability to prevent this if the new system met *Ontario Building Code* requirements for a conventional system. This would result in increased public health and water quality risks. Collectively, a specific septic system

SUBJECT: Use of Tertiary Septic Systems in Hamilton and Update re: Local Planning Appeal Tribunal Case No. PL170858 (PW20082/LS20032) (Wards 9, 10, 11, 12, 13 and 15) - Page 6 of 7

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technology cannot be tied to a property in perpetuity. The best approach to reduce these risks is to ensure, at the planning application stage, that the proposed lot can accommodate all septic system pollution within its property limits, regardless of the proposed technology.

If these nitrate-reducing systems become more widespread and their performance is allowed to degrade due to insufficient oversight/enforcement (particularly in a rural settlement area), Hamilton Water has significant concerns that groundwater quality could be degraded enough to warrant a provincial order from the Ministry of Environment, Conservation and Parks to build new municipal water infrastructure to safely provide a rural community with a sustainable water supply. Ratepayers would bear the costs to plan, design, construct, operate and maintain this new infrastructure.

Hamilton Water has municipal well systems in Freelon and Lynden that were created as a result of water quality and public health impacts associated with septic systems on undersized lots. Like other municipal well systems in Carlisle and Greensville, these municipal well systems represent the highest per capita cost to deliver municipal water throughout the City.

'Alternative' treatment systems with monitoring requirements outside of those set forth in the *Building Code* create staffing and resource issues for the City (as the City does not have a system in place to account for the monitoring of these types of systems) in addition to the enforcement concerns set forth above. Consultation with Building Division staff is ongoing to ascertain if an appropriate plan for monitoring and enforcement can be developed. However, initial consultations with Building Division that the City has no current authority to create municipal bylaws that incorporate requirements that go further than those outline in the *Ontario Building Code*.

Staff, therefore, believe it appropriate to conduct a comprehensive review of the use of tertiary septic systems with a view to proposing policies and bylaws for their effective regulation while also bringing the issue to the attention of the provincial government and requesting appropriate regulation.

ALTERNATIVES FOR CONSIDERATION

Council may elect to allow developments to proceed using tertiary treatment systems, for nitrate reduction, and the City assumes the risk that these systems may fail to perform as intended and ultimately become a source of contamination to the City's groundwater system. Due to this risk, staff do not recommend this alternative.

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ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PW20082/LS20032 – Draft Correspondence from City of Hamilton to various provincial Ministries re: Tertiary Septic Systems

Appendix “B” to Report PW20082/LS20032 – Confidential Update re: LPAT Case No. PL170858

**Draft Correspondence from City of Hamilton to various provincial Ministries
re: Tertiary Septic Systems**

**TO: Ministry of Agriculture, Food and Rural Affairs
Ministry of the Environment, Conservation and Parks
Ministry of Municipal Affairs and Housing**

Dear Minister(s):

Re: The Use of “Advanced” Private Septic Systems

The City of Hamilton, like many Ontario municipalities, enjoys a vibrant mix of urban, suburban and rural settings. In order to ensure appropriate development and growth, particularly in our rural areas, we think it important to draw to your attention a key issue that has emerged in recent development proposals that we believe has significant implications for public health, environmental protection and Building Code standards.

Development proposals located outside of urban municipal water and wastewater infrastructure typically rely on a private well and septic system. Septic systems were originally designed for use in rural communities and can be appropriate as long as there is sufficient land to manage effluent without adversely impacting neighbouring lands. However, as building lots in rural areas become smaller, septic systems can pose a risk to human health and the environment if not properly sited, operated and maintained. Of particular concern is septic system contamination of groundwater—the primary source of rural drinking water—from microbial pathogens (e.g. bacteria, viruses, protozoa) and nutrients such as nitrates and phosphates.

In recent years, development proposals in Hamilton’s rural areas have increasingly proposed the use of septic systems with “advanced treatment units” that claim to reduce nitrates in the effluent to justify development on undersized lots. Like many Ontario municipalities, the City of Hamilton relies on the Ministry of Environment, Conservation, and Parks (MECP) Guideline D-5-4 (1996) to assess risks associated with privately-serviced developments that rely on septic systems to manage their wastewater. Nitrate is the “indicator” contaminant used in Guideline D-5-4 and in the technical review of privately-serviced development in Ontario. Unfortunately, there is a lack of regulatory clarity and guidance as to how municipalities should assess, manage and enforce the *performance* of these treatment units.

The MECP routinely approves these advanced treatment units for large septic systems that fall within their regulatory jurisdiction (i.e. wastewater flows above 10,000 L/day), but the province can rely on enforcement authorities found in the Environmental Compliance Approval process and the *Ontario Water Resources Act*. However, municipalities have no regulatory ability to enforce performance of these systems for parameters that are not

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recognized by the Ontario Building Code (e.g. nitrogen, phosphorus and coliform bacteria). In addition, under section 35 of the *Building Code Act*, it is clear that municipal bylaws outlining construction standards that are more restrictive than Ontario Building Code requirements are not permitted.

Shortly put, existing legislation speaks only to the construction, operation and maintenance of private water/sewage works but does not provide authority to effectively *enforce* system performance. In the absence of effective enforcement tools, private monitoring agreements are commonly used in an attempt to regulate system performance, but these arrangements are not easily enforced against successor or underfunded landowners which often forces municipalities to assume long-term responsibility for these systems. Research from the MECP Source Protection Branch indicates that up to 35% of these systems do not perform as intended.

In addition to public health and environmental concerns, this regulatory gap tends to delay development approvals, can lead to expensive OMB/LPAT hearings and exposes rural residents to increased uncertainty.

In order to promote the sustainability of rural development and protect the health and environment of Ontario's rural area and its residents, the City of Hamilton urges the province to:

1. conduct a prompt review of, and implement an update to, MECP Guideline D-5-4 as it is almost 25 years old and does not currently reflect improvements in septic system technology or insights gained by MECP through its own data on "real life performance" of these systems;
2. reconsider the 2011 revocation of proposed change S-B-08-06-06 to the Ontario Building Code that revised the effluent quality table and revise Ontario Building Code Part 8 policies to formally recognize advanced treatment units for nitrogen, phosphorus, and coliform bacteria reduction, and incorporate specific standards into the Ontario Building Code to be enforced by the Ministry of Environment, Conservation and Parks and municipalities; and
3. amend the *Municipal Act* to grant municipalities the authority to enforce legislated performance standards for private water and sewage works.

We feel that all municipalities that enjoy rural development would benefit from this clarity and guidance so that all of Ontario can continue to grow and prosper sustainably.

Thank you for your time and consideration. We look forward to hearing from you.