

## TOWNSHIP OF WELLESLEY

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August 31, 2010

### COUNCIL MEETING MINUTES

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Present: Mayor, Ross Kelterborn,  
Council – Shelley Wagner, Jim Olender, Herb Neher, Paul Hergott  
Staff - Susan Duke, CAO/Clerk  
- Rik Louwagie, Chief Building Official  
- Sarah Peck, Junior Planner

The regular meeting of the Township of Wellesley was held at the Council Chambers in Crosshill at 6:45 P.M. on August 31, 2010 with all members in attendance. The Council meeting opened with Susan Duke leading in prayer and Mayor Kelterborn was in the chair.

Mayor Kelterborn commented on the renovated Council Chambers and extended congratulations to Rik Louwagie, CBO and Grace Kosch, Deputy Clerk for the excellent work in completing this project in a timely manner.

#### **Minutes of the Previous Meeting:**

195 Moved by: Jim Olender – Seconded by: Paul Hergott  
That the minutes of the Regular Council Meeting of August 3, 2010 at the Crosshill Council Chambers be adopted as presented. Carried

Recreation Committee Meeting commenced with Shelley Wagner in the chair. Please see minutes of the Recreation Committee Meeting August 31, 2010.

**Petitions:** None

196 Moved by: Shelley Wagner – Seconded by: Paul Hergott  
That the Council Meeting adjourn in order to hold a Public Meeting in the matter of Zoning By-law amendment for Murray and Beverly Lorentz, 2800 Moser-Young Rd., Concession 8, Part Lot 6, East Section, Township of Wellesley. Carried

**PUBLIC MEETING:** Zoning By-law Amendment  
Murray and Beverly Lorentz  
2800 Moser-Young Rd., Concession 8, Part Lot 6, East Section,  
Township of Wellesley

**Public Notice:** As required by the Planning Act, public notice for this meeting on August 31, 2010 was provided by posting a notice on the subject property; mailing public notifications to applicable agencies on June 28, 2010 and to neighbouring properties within 120 m on July 21, 2010; and posting the notification in the Elmira Independent on August 4, 2010.

Sarah Peck, Junior Planner brought forth the powerpoint planning report.

#### **Background / History:**

The Township of Wellesley has received an application for the consideration of a Zoning By-law amendment to permit the creation of two parcels of land, zoned A1, to be less than 40 hectares through a lot line adjustment. No new lot will be created. The applicant has submitted a concurrent consent application. According to Zoning By-law 28/2006, the creation of a parcel of

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land zoned A1 less than 40 hectares is not permitted. Therefore a zoning by-law amendment is necessary.

The subject lands are located on the west side of Moser-Young Rd. and on the north side of Lobsinger Line. The property occupies 755 m (2,477 ft) of frontage on Moser-Young Rd. and has a total area of 33.65 ha (83.16 acres). The property is zoned Agricultural (A1) as per Zoning By-law 28/2006 (the "By-law").

The applicant proposes to purchase the abutting property to the west (4155 Lobsinger Line), merge it with 2800 Moser-Young Rd. and then sever a 0.43 ha (1.07 acre) parcel around the existing residence at 2800 Moser-Young Rd. The severed parcel is proposed to have 150 ft of frontage along Moser-Young Rd. The parcel will include the existing house, the existing driveway, the existing septic system, and the existing lawn/landscaped area.

The lot at 4155 Lobsinger Line is 0.14 ha (0.34 acres) and occupies 30.48 m (100 ft) of frontage along Lobsinger Line. It is zoned Agricultural 'A1' but is currently used only for residential uses.

Policy 3.2.1 of the Township's Official Plan permits farm parcel alterations where a new farm is to be created, or where part of an adjoining farm is to be severed and merged in title with an existing farm, provided that the development application complies with the following:

- a) Each resultant farm that is created must have a minimum area of 40 hectares; or*
- b) Resultant farms having less than a minimum of 40 hectares will:*
  - i) Be of a size appropriate for the type of agricultural use(s) proposed. Such development applications will be evaluated by the Ministry of Agriculture and Food, or other professional(s) knowledgeable in farm economics and management to determine if the proposed farm is of sufficient size and nature to be reasonably expected to sustain a commercially viable operation as an independent farm unit, and for flexible re-use for agricultural purposes in the event of business failure; and,*
  - ii) Be permitted by a site specific zoning by-law amendment.*

Both of the resultant farms will be less than 40 hectares (33.36 ha and 0.43 ha). Both parcels are currently less than 40 hectares (33.65 ha and 0.14 ha). The house at 4155 Lobsinger Line will become the farm residence. That house will actually be much closer to the farm buildings than was the house at 2800 Moser-Young Rd. (82 m as opposed to 690 m). Township staff believe that this change will actually increase the viability of the farm.

The properties involved in this application already have entrance permits. The house at 2800 Moser-Young Rd. will keep its existing driveway onto Moser-Young Rd. The house and the barn at 4155 Lobsinger Line will keep their existing driveways onto Lobsinger Line. No new entrance permits will be required.

The subject property's current agricultural uses are as follows. The property owner keeps 250 beef cattle (1000-1350 lbs). The cattle are split between two barns. One is 100' x 50' and the other is 125' x 86'. The manure is stored inside the barn as bedded pack. The property owner also grows 25 acres of soybeans, 35 acres of corn, 10 acres of spring grain and 10 acres of hay.

This zoning by-law amendment must be approved by Township Council before the Consent application can be approved by the Committee of Adjustment.

According to Policy 6.E.16 of the Regional Official Plan under Minor Lot Boundary Adjustments:

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*Notwithstanding the provisions of Policy 6.E.1 and 6.E.2, a new farm or a new lot will not be deemed to have been created when consent to sever is given for the following purposes:*

*c) minor adjustments to the boundaries between an adjoining farm and a non-farm lot that does not decrease the size of the farming operation.*

The proposed lot line adjustment will not decrease the size of the farming operation. While the farm property area will decrease from 33.65 ha to 33.56 ha (0.29 ha or 2,900 sq. m), the proposed severance will not remove lands from the farming operation, it will remove the residence, the driveway, the septic system, and the lawn/landscaped area. No new lots will be created and no additional residences will be built. The house at 4155 Lobsinger Line will become the farm residence.

**Public Comments (received prior to the public meeting):**

No public comments were received to date.

**Agency Reports:**

*Director of Public Works, Township of Wellesley*

No comments or concerns.

*Chief Building Official, Township of Wellesley*

No comments or concerns.

*Fire Chief, Township of Wellesley*

No comments or concerns.

*Region of Waterloo*

The Region of Waterloo has no objections. Any issuance of a building permit for future development on the lands subject to application B2/10 will be subject to the provisions of Regional Development Charge By-law 09-024 or any successor thereof. Applicants are also advised that there may be a Regional fee assessed for development agreements if required.

*Waterloo Catholic School Board*

No concerns or comments.

*Waterloo Region District School Board*

No concerns or comments.

*Waterloo North Hydro*

The property created at 4155 Lobsinger Line will have two points of service (the dwelling and the barn). That property will be required to merge its services when any change is required to that service.

*Grand River Conservation Authority*

A portion of the property at 2800 Moser-Young Rd. is regulated by the Grand River Conservation Authority. The GRCA has no concerns.

*Union Gas*

No comments received to date.

*Ministry of Agriculture and Food*

No concerns or comments.

**Comments:**

Because there have been no public comments received regarding this matter and no objections from relevant agencies, it is the opinion of Township staff that it is appropriate for Council to make a decision regarding this application this 31 day of August 2010.

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Mayor Kelterborn asked if there were any questions from Council.

Mayor Kelterborn asked if there was any person present who wished to object to the application.

No one responded.

Mayor Kelterborn asked if there was any person present who wished to support the application.

No one responded.

Mayor Kelterborn asked if the applicant wished to address Council.

Dave Aston, on behalf of the Applicant

Mr. Aston thanked Township staff on behalf of the applicant for their efforts. Mr. Aston stated there has been no concerns from any agency; no negative impact on agriculture; no new lots will be made.

197 Moved by: Paul Hergott – Seconded by: Herb Neher

That the Public Meeting of a Zoning By-law amendment for Murray and Beverly Lorentz, 2800 Moser-Young Rd., Concession 8, Part Lot 6, east Section, Township of Wellesley does now adjourn and the Regular Council Meeting resume. Carried

**Delegations:**

198 Moved by: Shelley Wagner – Seconded by: Jim Olender

That the following be received as a delegation:

1) Mr. Bob Henderson, Supervisor, Traffic Engineering, Region of Waterloo re: Transportation Issues. Carried

Mr. Bob Henderson,

Mr. Henderson provided a powerpoint presentation regarding the intersection of Nafziger Road and Queen's Bush Road in Wellesley. (See Appendix "A").

Mr. Henderson stated they will continue to monitor the intersection.

Mayor Kelterborn indicated he is concerned about the safety at the intersection, further stating the buildings limit the visibility.

Mayor Kelterborn asked would crosswalks be the responsibility of the Region or local level. Mr. Henderson stated Regional intersection would be Regional crosswalks.

**Committee of the Whole:**

A Moved by: Shelley Wagner – Seconded by: Paul Hergott

That the Council rise and go into a Committee of the Whole to receive reports and recommendations. Carried

**Planning & Development:**

Chairperson: Jim Olender

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- P. & D. 90/10 – Certificate of Occupancy – For information  
CO-86-10, Sidney Sherk 4675 Weimar Line, RR#3 Wellesley  
CO-87-10, Andrew Robinson 5325 Ament Line, RR#1 Linwood  
CO-88-10, Paul Bauman 5520 Buehler Line, RR#1 Wallenstein  
CO-89-10, Enos B. Frey 7420 Line 86, RR#1 Wallenstein  
CO-90-10, Ivan Frey 1011 Sloman Lane, RR#1 Wallenstein
- P. & D. 91/10 – Environment & Land Tribunals Ontario re: Appointment of Hearing  
– For information
- P. & D. 92/10 – GRCA re: Application for Permission No. 403/10, 3111 Ament Line  
– For information
- P. & D. 93/10 – GRCA re: Application for Permission No. 601/09, 3995 Weimar Line  
– For information
- P. & D. 94/10 – Notice of Application & Request for Public Meeting re: Zoning By-law  
Amendment, 26 Anita Dr., St. Clements
- 199 Moved by: Paul Hergott – Seconded by: Shelley Wagner  
That the Council of the Township of Wellesley schedule and advertise a public meeting  
in the matter of a proposed Zoning By-law Amendment 03/2010 for lands owned by  
Ghislain Landry and David Van Nierop and known municipally as 26 Anita Dr., Plan  
1722, Lot 12, St. Clements, East Section, Township of Wellesley, and that the meeting  
be scheduled for October 4, 2010 at 6:45 p.m. in the Council Chambers at 4805 William  
Hastings Line, Crosshill. Carried
- P. & D. 95/10 – Zoning By-law Amendment Application 02/10 re: 2800 Moser Young  
Rd., St. Clements
- 200 Moved by: Shelley Wagner – Seconded by: Ross Kelterborn  
That the Council of the Township of Wellesley accept Planning Report P. & D. 95/10  
and comments, and further that:  
That the Council of the Township of Wellesley complete the first, second and third  
readings of the draft By-law as submitted this 31<sup>st</sup> day of August 2010. Carried
- P. & D. 96/10 – Minor Variance Application A4/10 re: 4706 Boomer Line
- 201 Moved by: Herb Neher – Seconded by: Paul Hergott  
That the Council of the Township of Wellesley accept the comments in Report P. & D.  
96/10 and forward this report to the Committee of Adjustment for their consideration in  
the matter of application A5/10. Carried

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**Road & Bridge; Property & Fire:**

Chairperson: Paul Hergott

R. & B.; P. & F. 39/10 – Region of Waterloo Report re: Operational Analysis of the Intersection of Queen’s bush Road and Nafziger Road within the Wellesley Settlement area – For information

R. & B.; P. & F. 40/10 – Fire Call Reports – For information

**Administration/Finance:**

Chairperson: Ross Kelterborn

Admin./Finance 64/10 – Region of Waterloo News Release re: Emerald Ash Borer confirmed in Waterloo Region – For information

Admin./Finance 65/10 – Land Use Council re: Monitoring the Conservation Ontario Corporation – For information

Admin./Finance 66/10 – Request for Support from the Town of Tecumseh – For information

Admin./Finance 67/10 – Workforce Planning Board – For information

Admin./Finance 68/10 – Caucus

Admin./Finance 69/10 – Invitation to Attend – Wellesley NEH Fall Fair Opening Ceremonies – NOTE & FILE

**Recreation:**

Chairperson: Shelley Wagner

No report. Please see Recreation Committee Minutes August 31, 2010.

**Personnel:**

Chairperson: Herb Neher

Personnel 37/10 – Andrew Loch, Municipal Law Enforcement Officer – Certified Property Standards Officer Training Program (Part 2) – For information

Personnel 38/10 - Fire Chief Andrew Lillico – FDSOA Certificate – Incident Safety Officer – For information

Congratulations were extended to these two individuals. The work is a benefit to the community.

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- B** Moved by: Paul Hergott - Seconded by: Jim Olender  
That the Committee of the Whole rise and Council resume and report. Carried
- C** Moved by: Shelley Wagner - Seconded by: Herb Neher  
That the report of the Committee of the Whole be adopted as set forth in the motions and actions detailed above. Carried

**Accounts:**

- 202 Moved by: Shelley Wagner – Seconded by: Paul Hergott  
That the Accounts in the amount of \$2,047,806.52 dated July 31, 2010 be approved as presented. Carried
- 203 Moved by: Jim Olender – Seconded by: Herb Neher  
That the Financial Statement as of July 31, 2010 be approved as presented. Carried

**Unfinished Business:** Disabled Parking on Private Property  
– By-law presented August 31, 2010

**New Business:** None

**Caucus:**

- 204 Moved by: Paul Hergott – Seconded by: Shelley Wagner  
That this portion of the meeting be closed to the public in order to consider the following:  
\_X\_ Section 239(2)(b) of the Municipal Act – personal matters about an identifiable individual, including municipal or local board employees. Carried
- 205 Moved by: Herb Neher – Seconded by: Paul Hergott  
That the Council meeting resume and report. Carried
- 206 CAUCUS – Admin./Finance 68/10 – Section 239(2)(b) of the Municipal Act  
Moved by: Shelley Wagner – Seconded by: Jim Olender  
That the Council of the Township of Wellesley write-off a total of \$39,299.48 in taxes as detailed in File No. Admin./Finance 68/10. Carried

**By-Laws:**

- D** Moved by: Paul Hergott - Seconded by: Jim Olender  
By-Law Nos.  
29/2010 – By-law to Regulate Heights and Description of Fences for the Township of Wellesley  
30/2010 – By-law to Allow for the Temporary Closing of Portions of Queen’s Bush Road, Molesworth Street and Brown Street for the Wellesley Apple Butter & Cheese Festival from September 24, 2010 to September 26, 2010 Inclusive  
31/2010 – By-law to Proclaim a Civic Holiday – ½ Day Fair Day

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32/2010 – By-law to Prohibit the Parking or Leaving of Motor Vehicles in spaces Designated for Persons with a Disability

33/2010 – By-law to Amend By-law Number 28/2006 being a Zoning By-law to the Township of Wellesley (Murray & Beverly Lorentz)

34/2010 - Confirming be read a first and second time. Carried

E Moved by: Shelley Wagner - Seconded by: Herb Neher  
That By-Laws No. 29/2010; 30/2010; 31/2010; 32/2010; 33/2010 and 34/2010 pass first and second readings. Carried

F Moved by: Jim Olender - Seconded by: Herb Neher  
That By-Law No. 29/2010; 30/2010; 31/2010; 32/2010; 33/2010 and 34/2010 be read a third time and passed and the Mayor and Clerk be authorized to sign and seal the By-Laws under the Corporate Seal. Carried

**Other Reports:**

<b><u>Next Meetings:</u></b>	Regular Council Meeting	September 7, 2010	6:45pm
	Regular Council Meeting	September 21, 2010	6:45pm
	Regular Committee Meeting	September 28, 2010	6:45pm

207 On a motion by Paul Hergott, the Council meeting adjourned.

**Susan Duke**  
CAO/Clerk – Susan Duke

**Ross Kelterborn**  
Mayor – Ross Kelterborn