

**LOWER THAMES VALLEY CONSERVATION AUTHORITY**



**EXECUTIVE COMMITTEE MEETING**

**AGENDA**

**THURSDAY, SEPTEMBER 30, 2021  
10:00 A.M.**

- 1. Call to Order**
- 2. First Nations Acknowledgement**
- 3. Adoption of the Agenda**
- 4. Disclosure of Conflicts of Interest**
- 5. Approval of Previous Meeting Minutes – July 16, 2021**
- 6. New Business**
  - a. Construction of a structure on existing lot of record associated with a Provincially Significant Wetland (Hearing)**
  - b. George Comfort – presentation Re: Technical Report Ice Guideline for Docks**
- 7. Other Business**
- 8. Adjournment**

### **FIRST NATIONS ACKNOWLEDGEMENT**

We will begin by acknowledging that the land on which we gather is the traditional territory of First Nations people who have longstanding relationships to the land, water and region of southwestern Ontario. We also acknowledge the local lower Thames River watershed communities of this area which include Chippewas of the Thames First Nation, Oneida Nation of the Thames, Munsee Delaware Nation, Delaware Nation, and Caldwell Nation. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original peoples of Turtle Island (North America). We are thankful for the opportunity to live, learn and share with mutual respect and appreciation.

## LOWER THAMES VALLEY CONSERVATION AUTHORITY



## EXECUTIVE COMMITTEE

## MINUTES

FRIDAY, JULY 16, 2021

A meeting of the Conservation Authority's Executive Committee was held on Friday, July 16, 2021 via remotely at the Authority's Administration Building at 100 Thames Street, Chatham, Ontario at the hour of 10:00 AM. A roll call was held with the following committee members present: T. Thompson, L. McKinlay, C. Cowell, P. Tiessen, & R. Leatham.

Also present were the following staff members: M. Peacock, J. Homewood & V. Towsley (minutes recorder).

1. Call to Order

Chair, Trevor Thompson called the meeting of the Executive Committee to order at 10:05 AM.

2. First Nations Acknowledgement

M. Peacock provided the reading of the First Nations Acknowledgement.

We will begin by acknowledging that the land on which we gather is the traditional territory of First Nations people who have longstanding relationships to the land, water and region of southwestern Ontario. We also acknowledge the local lower Thames River watershed communities of this area which include Chippewas of the Thames First Nation, Oneida Nation of the Thames, Munsee Delaware Nation, Delaware Nation, and Caldwell Nation. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original peoples of Turtle Island (North America). We are thankful for the opportunity to live, learn and share with mutual respect and appreciation.

3. Adoption of the Agenda

E-2021-20 R. Leatham – C. Cowell

Moved that the Agenda be adopted with a minor change for dealing with Item #7 a. & b. ahead of Item #6.

CARRIED

4. Disclosure of Conflicts of Interest

None declared.

5. Approval of Previous Meeting Minutes – June 29, 2021

E-2021-21 P. Tiessen – L. McKinlay  
Moved that the Executive Committee meeting minutes of June 29, 2021 be approved.

CARRIED

6. Motion to sit as a Hearing Board

E-2021-24 P. Tiessen – L. McKinlay  
Moved that the Executive Committee sit as the Authority's Hearing Board.

CARRIED

E-2021-25 P. Tiessen – C. Cowell  
Moved that the Hearing Board meet 'in camera'.

CARRIED

E-2021-26 C. Cowell – R. Leatham  
Moved that the Hearing Board move out of the 'in camera' session.

CARRIED

Notice of decision

Decision: Approval of permit for a single-family residence.

Reasons for Decision:

1. The decision to approve this application is based on the fact that the application is for development on a lot of record approved through severance by the council of the Municipality of Chatham-Kent.
2. The applicant had consulted with the LTVCA prior to the Gilmor decision and had been provided support for the application (by LTVCA staff) at that time.
3. The application is proposed to provide a residence for the landowner who owned the land prior to the severances.

Conditions:

1. That the applicant prepare a Shelter in Place plan acceptable to the Municipality of Chatham-Kent and the LTVCA;
2. That the applicant install a permanent alternative energy source (generator) capable of powering essential services in the proposed dwelling during times of flooding;
3. That the lot have a notice on title that this development is in a flood prone area;
4. That the applicant provide written documentation from the Emergency Services Department of the Municipality of Chatham-Kent confirming that this dwelling would be evacuated if necessary should the diking fail;
5. That this approval is subject to standard conditions used for development of lots of record within the flood fringe area of the Thames River (behind diking):
  - a. That the proposed structure shall be located as per the site plan provided to the LTVCA as part of this application on March 04, 2021.

- b. Minimum openings (including door sills, basement window sills, vents, etc.) into the residential structure must be no lower than 178.0 m (CGVD28).
  - c. Given the above, a basement window sill can be below the regulatory flood datum of 178.0 m (CGVD28) provided that there is a permanent poured concrete window well whose top is set to a minimum elevation of 178.0 m (CGVD28).
  - d. The final grade within two meters of the structure must be at or above an elevation of 178.0 m (CGVD28).
  - e. No structural building materials which are subject to flood damage may be utilized below an elevation of 178.0 m (CGVD28).
  - f. Strict sediment and erosion control measures are implemented prior to and maintained throughout the duration of the construction phase. The sediment and erosion control measures should be left in place until all disturbed areas have stabilized and that accumulated sediment is removed from the fence prior to its removal.
  - g. All work to include site restoration of disturbed areas back to, or better than existing.
  - h. Construction of the structure must be well underway prior to the permit lapsing. If no construction has begun prior to the lapsing date of this permit (July XX, 2023) then a new permit will be required from this office.
6. That the municipality be placed on notice that development of this and like lots rely on diking protection and therefore this development requires the active and continual maintenance of the diking.

The Hearing Board wishes to note:

- 1. that the issuance of the permit for this dwelling should not be perceived as an implicit approval of any other development being proposed on lots subject to flooding hazards within the flood fringe of the Thames River.
- 2. that future severancing of lots within the flood fringe of the Thames River should only occur following area designations that consider the flood hazard through the development of appropriate policies within an updated official plan.

**CARRIED**

The Chair advised the committee that LTVCA staff will provide the applicant the Hearing Board's decision.

**Resolution Number E-2021-27**

**E-2021-28      L. McKinlay – P. Tiessen**  
 Moved that the Hearing Board sit as the Executive Committee.

**CARRIED**

7. **New Business**

- a. Construction of accessory structures on existing lots of record associated with the Great Lakes Shoreline

**E-2021-22      P. Tiessen – C. Cowell**  
 Moved that if an application is received for a new non-habitable detached accessory structure in a LTVCA regulated area along the Lake Erie shoreline in Chatham-Kent, that

staff be allowed to approve the application provided the application meets both the "old" LTVCA policy (no closer to the hazard than the existing residential structure) and meets the provincial technical guidance, as related to minor structures and major non-habitable structures on existing developed lots with existing residential structures.

And, moved that the policy change will only apply to applications associated with Detroit Line, Towanda Blvd, Bates Line, Bates Drive and Rose Beach Line, along the Lake Erie shoreline.

**CARRIED**

b. Addition to an Existing Residential Structure Adjacent to the Great Lakes Shoreline

**E-2021-23 L. McKinlay – C. Cowell**

Moved that the application be approved with the following standard approval conditions noted below as the proposed addition is minor, is located further away from the watercourse than the existing structure, and is further away from Lake Erie than the neighbouring residential structures to the south:

- That the proposed structure be located and constructed as shown on the drawings submitted to this office on 17 June 2021.
- All work to include site restoration of disturbed areas back to, or better than, existing.
- Construction of the structure must be well underway prior to the permit lapsing. If no construction has begun prior to the lapsing date of this permit (16 July 2022) then a new permit will be required from this office.

**CARRIED**

8. Other Business

M. Peacock provided the Executive Committee with a COVID 19 update.

9. Adjournment

**E-2021-29 P. Tiessen – L. McKinlay**

Moved that the meeting be adjourned.

**CARRIED**

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Trevor Thompson  
Chair

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Mark Peacock, P. Eng.  
CAO/Secretary-Treasurer