

Memo



TO: Chief Administrative Officer
SUBJECT: Point Ideal
DATE: March 5, 2021
FROM: Superintendent, Public Works and Engineering Services

My response on the proposal by BV Developments to avoid a piped storm system is that by not having a piped storm system to each lot is that once the proposed rock storage areas on each lot fill up with water, the water will start coming up to the surface and bleeding out of the ground and running down to the side walks and roads. This will become a major maintenance issue for the Town.

The Town was provided a revised plan from McElhanney dated February 19, 2021 which now has ditches between the side walks and properties which is to pick up the water that will bleed out of the ground and takes it down to drainage pipes or the wetlands.

In my opinion this further corroborates my argument that there will be a problem with water seeping out of the ground.

Further with these ditches there will be a culvert required at each driveway requiring more maintenance by the Town.

The other problem that may arise from not having a storm service to each lot is that property owners may tend to hook their storm water into the sanitary connections, which will cause more problems.

A handwritten signature in blue ink, appearing to read "Jas Sandhu".

Jas Sandhu

Response from the CAO

The concern raised by the Superintendent, Public Works and Engineering Services must be part of any consideration before Council determines its stance on the application for a Development Variance by the developer to vary a subdivision requirement.

The Local Government Act makes the following provisions as per excerpt below:

Development variance permits

498.(1) On application by an owner of land, a local government may, by resolution, issue a development variance permit that varies, in respect of the land covered in the permit, the provisions of a bylaw under any of the following:

(a) the following Divisions of this Part:

(i) Division 5 [*Zoning Bylaws*];

(ii) Division 11 [*Subdivision and Development: Requirements and Related Matters*];

(iii) Division 13 [*Other Land Use Regulation Powers*];

(iv) Division 17 [*Regulation of Farm Businesses in Farming Areas*];

(b) section 298 (1) (j) [*manufactured home parks and camping grounds*];

(c) section 8 (3) (g) [*fundamental powers – protection of persons and property*] of the *Community Charter* in relation to matters referred to in section 63 (e) [*manufactured home parks and camping grounds*] of that Act.

(2) As restrictions on subsection (1), a development variance permit must not vary the following:

(a) the use or density of land from that specified in the bylaw;

(a.1) the application of a zoning bylaw in relation to residential rental tenure;

(b) a flood plain specification under section 524 (3) [*requirements in relation to flood plain areas*].

(3) In the event of conflict, the provisions of a development variance permit prevail over any provision of the bylaw.

(4) As a restriction on section 229 [*delegation of board authority*] of this Act and section 154 [*delegation of council authority*] of the *Community Charter*, a local government may not delegate the power to issue a development variance permit.

The owner for some reason decided to deviate from what was originally proposed in December 2019 to now where a piped storm system is non-existent. Before this change occurred, an application for variance should have been submitted and not after the work as claimed was substantially 65% (now 75%) complete.

The issue of deleterious substances making into fish bearing waters was the cause of the stop work order and the impact it caused and will cause properties downstream is matter of major concern.

After the meeting of February 23rd, 2021, Brian Locher phoned me the following day indicating he wanted to have a say in the selection of the professional engineer on conducting an independent review of the storm water management plan, despite the fact council had not decided on that option.

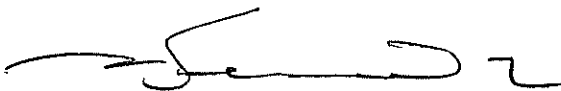
I responded by email on February 25th, 2021 to Mr. Locher asking for evidence that the previous Superintendent had given written approval for a change to a non-piped drainage system. I have yet to receive confirmation on this.

Subsequently, on March 7th, 2021, a draft agreement outlining the terms of the independent review were provided to me with a couple of consultants forwarded for consideration. I advised I was not in a position to sign this without council approval.

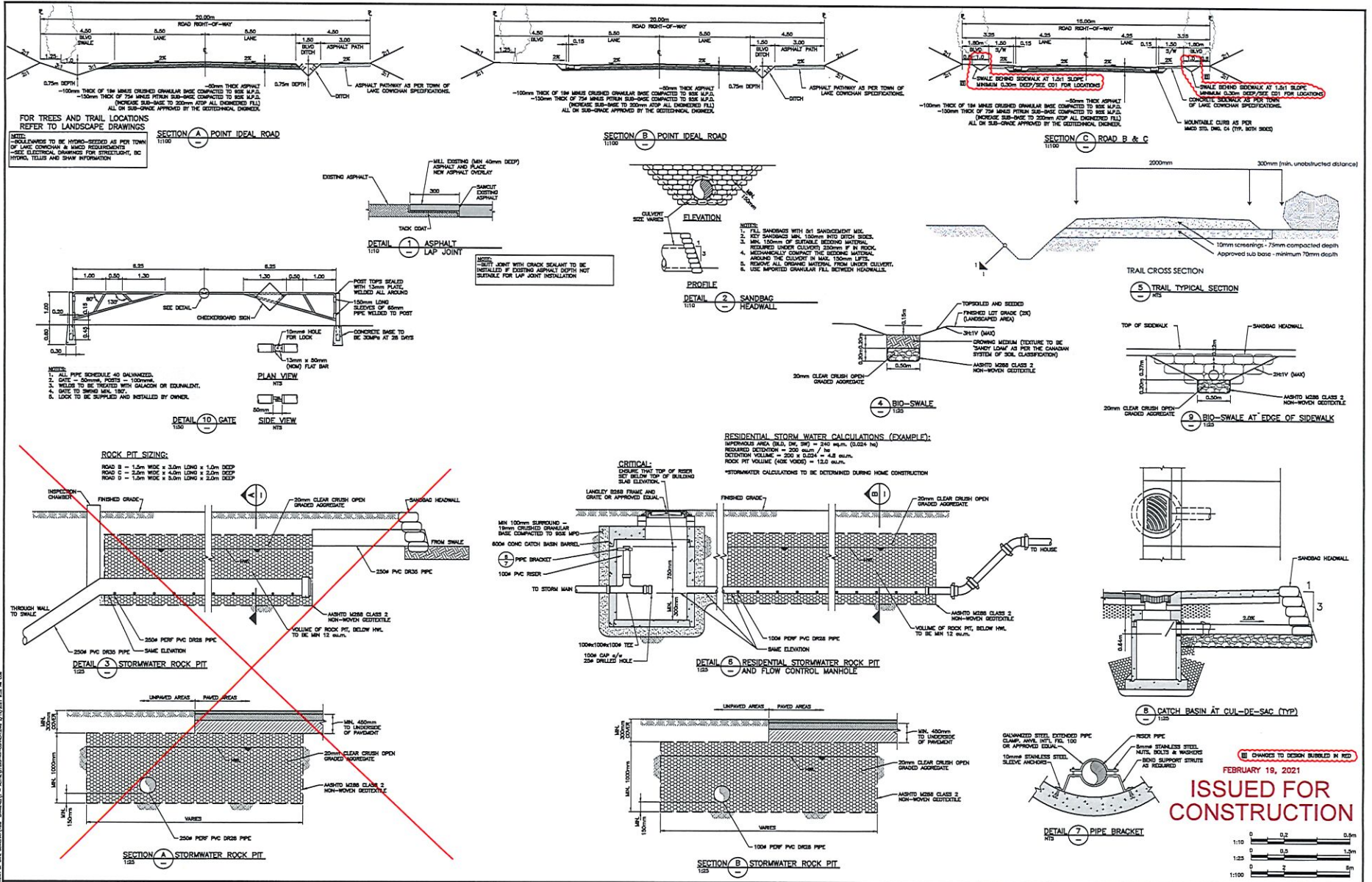
Conclusion

The updated Rainwater Management Plan provided by McElhanney, dated February 19, 2021, simply confirmed, and clarified staff's earlier conclusions that without the anticipated in-street stormwater drainage system, a network of ditches and driveway culverts across all lot frontages is required to manage stormwater. This approach will be a long-term maintenance obligation for the Town, may negatively impact downstream infrastructure and property owners, and does not represent a satisfactory solution to rainwater management.

Note: The Town does not have a record of the final drawings that were issued for construction by the developer. They were partially forwarded to us on February 22nd, 2021 – see attachments.



Joseph A. Fernandez



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NO.	DATE	BY	ISSUED	NO.	DATE	BY	REVISIONS
4	2020-04-17	J	ISSUED FOR CONSTRUCTION				
3	2020-03-03	J	ISSUED FOR TENDER				
2	2020-01-24	J	ISSUED FOR SITE REVIEW				
1	2019-12-11	J	ISSUED FOR DSE REVIEW	A	2020-02-18	J	BITUMEN ADDED TO SECTION C
				A	2020-02-25	J	TREE OFFSET ADDED TO TYPICAL SECTIONS

McElhanney

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PROJECT	POINT IDEAL
TITLE	TYPICAL SECTIONS & MISCELLANEOUS DETAILS

SCALE	AS SHOWN VERT. H/A
PROJECT NO.	01-095
ISSUED/PROJEN	4/8
APPROVING AUTHORITY FILE NO.	
DRAWING NO.	01-095-C08

ISSUED FOR CONSTRUCTION

FEBRUARY 19, 2021

1:10
1:25
1:50
1:100