



**TOWN OF KINGSVILLE**  
**REGULAR MEETING OF COUNCIL**  
**AGENDA**

**Monday, October 7, 2024, 6:00 PM**

**Unico Community Centre**

**37 Beech Street**

**Kingsville, ON N9Y 1A9**

View Livestream at the time of the proceedings at  
<https://www.kingsville.ca/livestream>

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**Pages**

**A. Call to Order**

**B. Closed Session**

**Recommended Action**

That Council **ENTER** into Closed Session at 5:00 p.m. pursuant to Section 239 of the Municipal Act, 2001, to discuss the following item:

**Item I - Subdivision Application** to be heard under Section 239(2)(f) being advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and;

**Item II - Disposition of Lions Hall** to be heard under Section 239(2)(k) being a position, plan, procedure, criteria, or instruction to be applied to negotiations.

**C. Land Acknowledgement**

We acknowledge the Three Fires Confederacy (Ojibwe, Potawatomi and Odawa) and the Traditional ancestral, unceded territory of Caldwell First Nation; the original people of Point Pelee, Pelee Island and its surrounding waters. We recognize and respect the First Nations who are stewards of the land and waters of Turtle Island and who have embraced this stewardship since time immemorial. We would also like to acknowledge all the moccasins who have walked lands of Turtle Island.

**D. Moment of Silent Reflection and National Anthem**

**E. Mayor's Welcome and Remarks**

**F. Amendments to the Agenda**

**G. Disclosure of Pecuniary Interest**

When a member of Council has any pecuniary interest, direct or indirect, in any matter which is the subject of consideration at this Meeting of Council (or that was the subject of consideration at the previous Meeting of Council at which the member was not in attendance), the member shall disclose the pecuniary interest and its general nature, prior to any consideration of the matter.

**H. Report Out of Closed Session**

Pursuant to Section 239 of the Municipal Act, 2001, Council entered into Closed Session at 7:33 p.m. on September 23, 2024, to discuss the following items:

**Item I - Road Naming** to be heard under Section 239(2)(b) being personal matters about an identifiable individual, including municipal employees. There is nothing further to report.

**Item II - Development Plan** to be heard under Section 239(2)(k) being a position, plan, procedure, criteria, or instruction to be applied to negotiations. There is nothing further to report.

**I. Delegations**

1. Kingsville Military Museum

1

**J. Presentations**

1. Recognition of Gord Queen
2. Heritage Advisory Committee - Assessment of Main Street Properties

2

**K. Matters Subject to Notice**

1. Irwin Drain

15

**Recommended Action**

That the Report prepared by Rood Engineering dated September 6, 2024, regarding new access over the Irwin Drain for parcel 620-03300 under Section 78 of the Drainage Act, **BE ADOPTED**.

2. West Townline Drain Upper

100

**Recommended Action**

That the Report prepared by Rood Engineering dated August 28, 2024, regarding new access over the West Townline Drain Upper for parcel 580-01006 under Section 78 of the Drainage Act, **BE ADOPTED**.

3.	175 Wigle Ave Draft Plan of Subdivision (SUB-2024-01) County of Essex File No.: 37-T-24007	181
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#### **Recommended Action**

That Administration **BE DIRECTED** to advise the County of Essex that the Town of Kingsville has no concern or comment regarding the proposed draft plan of subdivision by 1364674 Ontario Limited, which is a County of Essex decision, and is subject to the required Zoning By-law Amendment to be considered by Council at a later date, as described in the report presented at the October 7, 2024, Council Meeting;

And further that the proposed Draft Plan of Subdivision **BE AMENDED**, as may be required, to meet Town of Kingsville design guidelines for cul-de-sac radius recognizing that such amendment may impact block and lot boundaries.

### **L. Reports - Finance and Corporate Services**

1.	Pelee Island Winery – Application for a “By-the-Glass Endorsement” to a Winery Licence	210
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#### **Recommended Action**

That the Council of The Corporation of the Town of Kingsville **SUPPORTS** Pelee Island Winery’s Application to the Alcohol and Gaming Commission of Ontario (“AGCO”) for a “By the Glass” Manufacturer’s Limited Liquor Sales Licence at its manufacturing site (455 Seacliff Drive, Kingsville).

### **M. Consent Agenda**

1.	Ontario’s Planning Process for Plan of Subdivision and Zoning By-law Amendment	215
2.	Migration Festival Minutes - May 28, 2024	226
3.	Communities in Bloom Minutes - June 11, 2024	229
4.	Heritage Advisory Committee - August 13, 2024	232
5.	Heritage Advisory Committee - September 3, 2024	236
6.	Communities in Bloom Minutes - September 3, 2024	238
7.	Committee of the Whole Minutes - September 16, 2024	241
8.	Regular Council Meeting Minutes - September 23, 2024	244

### **N. Correspondence**

1.	Letter from Municipality of Tweed Regarding Provincial Absorption of Costs Related to the Ontario Provincial Police	252
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O.	<b>Notices of Motion</b>	
P.	<b>Unfinished Business and Announcements</b>	
Q.	<b>By-laws</b>	254

**Recommended Action**

That the following By-laws receive two readings and be provisionally adopted:

74-2024 - Being a By-law to provide for the enclosure over the Irwin Drain for Parcel No. 620-03300 at a total estimated cost of \$92,000 in the Town of Kingsville, in the County of Essex

75-2024 - Being a By-law to provide for the enclosure over the West Townline Drain (Upper) for Parcel No. 580-01006 at a total estimated cost of \$32,000 in the Town of Kingsville, in the County of Essex

**Recommended Action**

That the following By-laws receive three readings and finally pass:

76-2024 - Being a By-law to appoint a Drainage Superintendent, Drainage Inspector, and Weed Inspector for the Town of Kingsville

77-2024 - Being a By-law imposing special annual drainage rates upon land in respect of which money is borrowed under the Tile Drainage Act (provisionally adopted)

78-2024 - Being a By-law to confirm the proceedings of the Council of the Corporation of the Town of Kingsville at its October 7, 2024 Regular Meeting of Council

**R. Adjournment**

**Recommended Action**

That Council adjourns this Regular Meeting at p.m.



**KINGSVILLE  
MILITARY MUSEUM**

Kingsville Historical Park Inc.  
145 Division St S Kingsville ON  
Mailing Box 404 N9Y 2Y4  
519-733-2803

August 6, 2024

Mr. Mayor and Councillors:

The Kingsville Military Museum would like to thank you for your past grants of \$10,000 a year for the past five years. We would like to appear before council to personally thank you. As a totally non-profit organization the grant is truly needed and appreciated.

We continue to receive donations of artifacts which are displayed in the museum. The cabinets where these artifacts are displayed are very full. More cabinets are needed which are not inexpensive.

Visitors are finding the museum on our KMM website which is in the process of being updated which is also not inexpensive. The Facebook page is also being updated. Thank you to Councillor Kimberly DeYong for being the host.

The big news is that KMM is planning to expand the building. The planning stage for fund raising is almost ready to start. This is a big undertaking and expensive.

The expansion will include room for more displays which means more cabinets. Plans are to expand on the Contribution of Blacks and Indigenous Natives and Women to the war effort. There will also be more space for meetings and seminars. Bob Lynch presented a course about the Victoria Cross through Elder College this spring. It was well attended with 20 people which is almost our maximum for the space limitations that is presently available. When we have more space, more people will be able to attend.

The Board of Directors continue to be financially diligent and especially with the upcoming expense of the expansion. They wish to thank you for your past grant contribution and hope that you will consider continuing with more financial support in the coming years. The Budget for 2023-2024 is included. The 2024-25 budget has not been approved by our Board of Directors yet. (Cheques must be made out to Kingsville Historical Park Inc.)

Thank you,

*Bonnie Monminie*

Bonnie Monminie  
Volunteer Administrator



[www.kingsvillermilitarymuseum.ca](http://www.kingsvillermilitarymuseum.ca)

# Kingsville Municipal Heritage Advisory Committee

## ASSESSMENT OF MAIN STREET PROPERTIES

October 7, 2024

### BACKGROUND INFORMATION

At the Council Meeting held on March 11, 2024, the Town Council requested that the Heritage Advisory Committee compile a list of properties within the Main Street Corridor for potential designation based results from scoring. The committee has since prepared a list of 15 properties along the Main Street Corridor, extending to Division Street and scored them. Included in this report is a comprehensive list of these 15 properties, including a brief summary of each property and their rankings based on the score by the members of the Heritage Advisory Committee.

<b>Epworth United Church - 56 Division St. South</b>	
Built: 1893	Style: Gothic Revival
Epworth United Church was designed by Chatham architect James L. Wilson and constructed with locally sourced bricks. On April 4, 1935, a fire erupted in the church, believed by many to have originated in the organ, though this was never conclusively proven. The new church, designed by Windsor architect J.C. Pennington, was built largely on the original stone foundation.	

<b>Church of Epiphany - 106 Main St. West</b>	
Built: 1891	Style: Gothic Revival
The Church of Epiphany has its origins in Kingsville's Anglican community dating back to 1852. The original church, known as St. John's, was a log hut constructed in a forest clearing. In 1889, a new frame church was built, and the original log hut was repurposed as the parish hall. Construction of the current ornate brick building took place in January 1891 and was completed after six years. This is the structure that stands today.	

<b>The Main / The DeJean Block - 24 Main St. West</b>	
Built: 1891	Style: Italianate
<p>In 1889, London banker Jas. F. DeJean acquired this lot from James Cady. The existing frame buildings were relocated to make way for the construction of the current structures. Construction of the DeJean Block commenced in 1891, with the design provided by John A. Maycock. Cady secured the contract to erect the "block of stones." Since its completion, the building has accommodated various commercial establishments and continues to be a significant feature of the downtown Kingsville landscape.</p>	

<b>Conklin House - 190 Main St. West</b>	
Built: 1890	Style: Neoclassical
<p>Perched on the hill known as "Conklin Hill" on the west side of town, stands the grand residence of lumber baron David Conklin. Construction of the two-story red brick home began in 1890 and was completed the following year. Originally more modest in design, the house underwent significant enhancements over the years. In 1909, a cobblestone wall was added along the Main Street frontage. The verandas, which now wrap around three sides of the home, and the turrets at the corners were incorporated in 1913. Additional porches to the south and east were added later.</p>	

<b>The Pastorius House - 12 Main St. East</b>	
Built: 1885	Style: Italianate
<p>Prior to the construction of the current hotel, the site was occupied by a "temperance house," a tavern where alcohol was not served. This frame structure, built in 1854 by Samuel Rice, served various families as a temperance house until it was purchased by the King family, who resided there for five years before selling it to James McLeod. McLeod converted the building into a hotel. The structure changed hands several times before it was destroyed by fire in February 1885. Walter Pastorius, the then-owner, replaced it with a two-story brick hotel that opened in July of the same year. Constructed by J.W. Drake using Miner brick, the building was initially covered in stucco in the early 1950s and later clad in siding. At its inception, the hotel featured a new bar on the first floor and 14 bedrooms with only one bathroom on the second floor. In 1889, the original rooftop observatory was replaced with a third floor, which added more bedrooms and bathrooms, and introduced a different architectural style. The newly constructed third floor featured a large front balcony with pediments above the windows and an ornate sign reading Pastorius Hotel.</p>	

<b>O'Sarracino / The Union Block - 31 Main St. West</b>	
Built: 1889	Style: Second Empire / Italianate
<p>The Union Block encompasses three addresses: 29, 31, and 33 Main Street West. Address 29 Main Street West has already been designated as St. George's Lodge. Like the previously mentioned heritage property, this address showcases notable architectural details typical of the period. These features include the original brickwork and intricate trim that remain prominently visible today.</p>	

### The Jasperson Block South - 14 Division St. South

Built: 1915	Style: Edwardian
<p>Bonzano “Bon” Jasperson, Kingsville’s first private banker, was also engaged in a variety of other businesses. His ventures included ownership of a canning factory, grain warehouses, lime kilns, a tobacco factory, and oil and gas fields, among others. By 1915, Jasperson required a permanent office space, leading him to partner with furniture maker and undertaker Charles Pearsall. Together, they embarked on constructing a two-story brick building. Upon completion, Pearsall established a jewelry store in the northern section of the building, which operated for many years. Jasperson utilized the office space above the Southern storefront, which also housed a customs office.</p>	



### Dr. Colerodge House - 163 Division St. North

Built: 1929	Style: Colonial
<p>The first owner of the home was Dr. John G. Colerodge, a physician and real estate agent. As the Director and President of his firm, Dr. Colerodge eventually retired from both careers following a disagreement with his partners. After retiring, he and his wife pursued their shared interest in farming. Dr. Colerodge later served as Vice President of the Essex Peach Growers Association. Mrs. Colerodge, a passionate enthusiast of exotic plants such as the African Violet, was actively involved in the Women’s Club of Kingsville and was also an avid golfer.</p>	



<b>Banded Goose Brewhouse / David Block - 15 Main St. East</b>	
Built: 1922	Style: Kingsville Vernacular
<p>This two-story building serves as a prominent landmark within the downtown Kingsville facade. Referred to as the David Block, it was named in honor of Woseif David, who commissioned its construction. The building features a continuous wall of two-story commercial structures along the south side of Main Street East.</p>	

<b>The Oddfellows Society - 33 Main St. West</b>	
Built: 1889	Style: Second Empire / Italianate
<p>Constructed as part of the Union Block in 1889 the building was designed by prominent Windsor architect John A. Maycock. The plans were developed through a partnership between the Freemasons and the Odd Fellow Society. Instead of renovating the existing structure on the lot, the decision was made to build a new building. Originally serving as the headquarters for the Odd Fellow Society, the building is now home to the Kingsville Christian Fellowship. Reflecting its architectural style, the building features ornate masonry elements, including segmented arches, pilasters, hooded crowns, and bracketed cornices.</p>	

<b>Flower Fashions / James + Charlotte - 13 King St.</b>	
Built: 1901	Style: National
<p>This building exemplifies the National style of architecture, which gained popularity later in the decade following its construction at the turn of the century. Over the past century, it has served both as a residence and a commercial space. Currently operating as "Flower Fashions," the building retains many of its original features, including stone steps, local brickwork, doors, windows, and decorative sills and trims.</p>	

<b>The Conklin Building - 1 Main St. East</b>	
Built: 1901	Style: Chicago / Edwardian
<p>The Conklin Building is located on the Southeastern corner of Main St. and Division and is the only original facade that still stands on Kingsville's downtown "four corners". This landmark building was designed by Windsor architect John A. Maycock in the Chicago/Edwardian style. Shortly after the completion of the building, David Conklin had Maycock design an L-shaped addition around the back of the building. To this day much of the downtown Kingsville facade charm is in relation to this Town landmark.</p>	

<b>Henry Dunbar Evans - 93 Main St. East</b>	
Built: 1915	Style: Craftsman
<p>Henry Dunbar Evans constructed this 1½-story Craftsman home in 1915. Evans, who served as the manager of Molson's Bank, was also the primary tenant of the Conklin Building.</p>	

<b>Jasperson Block - 25 Division St. North</b>	
Built: 1922	Style: Edwardian
Prominent Kingsville businessman Bon Jasperson commissioned the construction of this block, which comprises five suites with offices on the second floor. The ground floor was initially occupied by the Chevrolet Garage. Among the early tenants of the second-floor office was Dr. Bender, a chiropractor.	

<b>Dr. Bliss House - 84 Main St. West</b>	
Built: 1934	Style: Colonial Revival
Dr. J.P. Lee commissioned the construction of this home after dismantling a clapboard Queen Anne house that previously stood on the site. Dr. Quatrus Bliss subsequently relocated his practice to this residence; his original office, located at 30 Main Street East, was demolished in 1985 to make way for the Big V Drugstore. Dr. Bliss was an active member of the Kingsville Kinsmen Club and he and his wife, Ann, were the parents of Michael Bliss, a renowned Canadian historian who was named to the Order of Canada. With this Micheal became the first Kingsville native to receive this prestigious honor.	

## Heritage Assessments

In June of 2023, letters were sent out to the property owners of 39 historically significant properties that are located all around Kingsville to gauge the interest in Heritage Designation. This list of 39 properties had some overlap with the 15 downtown properties that were scored, but not all were sent letters. The properties that were not sent letters include; 56 Division St. S, 106 Main St. W, 15 Main St. E, and 84 Main St. W.

It is important to note that the properties left off of the letter recipient list are very important to the Main Street Corridor but may have not been as important to all of Kingsville. It is also important to note that for the sake of this report the term “scoring” refers to an initial review of the 15 properties but is not the official scoring when it comes to designating a property. For an official scoring a property must be appointed by Council and a more in-depth review of said property will need to take place prior to the official scoring. At that time, the property owner would be engaged in the process.

The Heritage Advisory Committee Members (Sheri Lowrie, Jeffery Robinson, Carolyn Smith, Stacey Jones, and Steve Allman Jr.) ranked the 15 properties based on a comprehensive evaluation of several key factors, including historical significance, architectural merit, and contextual relevance. Each member of the committee scored each property with a maximum score of 100 based on these factors. The Committee assessed each property's historical importance, evaluating its role and impact within the local heritage landscape. Architectural criteria were also carefully considered, focusing on the design, craftsmanship, and preservation of original features. Additionally, the context of each property was examined to understand its relationship with the surrounding environment and its contribution to the overall historical narrative of the property in relation to our town. The individual scores from all committee members were then combined to determine the overall ranking of each property.

It is also important to note that the Committee does believe that all properties that were ranked are worthy of designation, the Committee would also like to explore the other options mentioned below to see if they are viable.

MAIN STREET PROPERTIES: ASSESSMENT				
Rank	Building	Score	Address	“Top 40”
1	Epworth United Church	92.6	56 Division St S	No
2	Church of Epiphany	92.3	106 Main St W	No
3	The Main / The DeJean Block	90.4	24 Main St W	Yes
4	Conklin House	90.2	190 Main St W	Yes
5	Pastorius House	88.2	12 Main St E	Yes
6	O'Sarracino's / The Union Block	87.8	31 Main St W	Yes
7	Crafty Nest / Jasperson Building	86.4	14 Division St S	Yes
7	Dr. Coleridge House	86.4	163 Division St N	Yes
8	Banded Goose Tap Room	85.4	15 Main St E	No
9	Kingsville Christian Fellowship / Oddfellows	85.3	33 Main St E	Yes
10	Flower Fashions /James + Charlotte Street House	84.4	13 King St	Yes
11	Conklin Building	83.2	1 Main St E	Yes
12	Henry Dunbar Evans / Michelle Martin	82.4	93 Main St E	Yes
13	Jasperson Block	81.2	25 Division St N	Yes
14	Nancy Ellen Church	79.8	84 Main St W	No

**Note:** In June 2023, letters were sent by the Committee to the ‘Top 40’ properties of interest in Kingsville as determined by the Committee and Heritage Researcher. Properties shaded in orange responded positively and expressed interest in learning more.

Scores noted were generated without consent of the property owner and are based on compilation of preliminary assessments from all members of the Committee and high-level summary of heritage values. Advancing any property to designation will require a more thorough report and review of the property and confirmed support from property owner.

## DISCUSSION

Through various discussions with heritage property owners and those who do not own heritage homes, the Heritage Advisory Committee members have become aware of several concerns, raised by said property owners related to the designation of their homes. Some of these concerns are as follows:

1. Restrictions on modifications and renovations, fearing that the designation may limit their ability to update or personalize their homes, designation resulting in higher maintenance costs, as specific materials and methods are required to preserve the property's historical integrity.
2. Potential impact on property value, perceiving that buyers might be deterred by increased regulations that might come with designation.
3. Pursuing designation is viewed as being a lengthy and complex process that brings hesitation to those looking to pursue it.
4. Increased insurance premiums because insurers view these properties as higher risk due to the specialized materials and craftsmanship required for repairs to maintain the heritage integrity of the property.
5. Costs and timelines needed for repair is another deterrent to designation as restoration using period-appropriate materials can be costly and harder to source.

## RECOMMENDATIONS

The Heritage Advisory Committee recognizes that though the *Ontario Heritage Act* (OHA) does not require municipalities to obtain the consent of property owners before designating a heritage site, the Committee supports a collaborative approach to gain the support of property owners in recognizing their property as a piece of local history. There may be instances where a significant heritage property is at risk of imminent development or demolition, and the Town may need to step in and designate the property for the sake of public interest; however, the Committee prioritizes working with property owners to educate the community and preserve the rich heritage of the area hopefully through the potential means discussed below.

### 1. Establishment of Design Guidelines for Main Street.

Design guidelines for Main Street are potential tools for municipalities to maintain and enhance the aesthetic and functional qualities of their heritage character.

These guidelines ensure that new developments, renovations, and restorations align with the community's vision for its main streets, preserving its character and promoting a consistent, cohesive and attractive urban environment that can reflect community identity and promote economic development and tourism. Design guidelines could be established to define architectural standards (materials, design elements, colours, storefronts, etc.), signage (to complement design and character), and landscaping (street trees, planters, benches, etc.).

For example, Niagara-on-the-Lake (NOTL) has established Heritage District Guidelines to provide criteria for building renovation, new construction and signage to emphasize the community's architectural style. NOTL has also undertaken

streetscape improvement projects that align with these design guidelines. This includes enhancing public spaces with historically reflective street furniture, lighting, and landscaping. The improvements are designed to enhance the pedestrian experience and support the Town's historic and commercial vitality.

It should be noted that recent changes to the *Planning Act* have removed a municipalities ability to require or enforce design guidelines through Site Plan Control. However guidelines could still be developed and, if well developed, could still encourage compliance from the development community without the need for site plan control.

## **2. Develop a “Made in Kingsville” Heritage Program**

Recognizing property owners are reluctant to designate properties for reasons described above, Kingsville could develop its own Heritage Recognition program to celebrate and commemorate local heritage. A “Made in Kingsville” program would increase awareness of properties within the Town, provide heritage context (i.e. historic events, figures, architectural styles, etc.), foster the sense of pride property owners have towards their heritage buildings, and provide additional attractions within the Town to enhance tourism and create a destination with rich heritage.

For example, Stratford has a well-established historical plaques program that highlights significant buildings, events, and figures associated with the city. These plaques contribute to the City's reputation as a culturally and historically significant destination. The plaques attract visitors interested in learning about Stratford's heritage, supports the local tourism industry and contributes to the City's economic infrastructure.

## **3. Amend the BIA Facelift Grant Program**

With support from the Town of Kingsville, the BIA currently offers a Facelift Grant program for business improvements. This grant could be expanded to support the maintenance and improvement of heritage properties within the BIA. This will help preserve the architectural and historical significance of these properties while enhancing the overall aesthetic of the area. In this way, the BIA can support its businesses to both enhance their aesthetics and support the ongoing maintenance of heritage designated buildings in hopes to avoid costly repairs.

## **4. Public Education: Promoting Heritage/Heritage Designation**

The Committee proposed hosting a Heritage Education event during provincial Heritage Week (February 2025) to inform property owners about the benefits of heritage designation and encourage them to consider designating their properties. The committee is looking to organize this event in collaboration with Kingsville Archives, the Kingsville BIA, and the Kingsville Historical Society, this event could serve to:

- Increase awareness and provide valuable insights into the heritage designation process.

- Provide supports related to heritage designated homes (e.g. insurance, preservation techniques, success stories, etc.)
- Facilitate interaction between property owners and experts, offering personalized advice and addressing specific questions related to heritage designation.

During this event the Heritage Advisory Committee would like to bring forth and discuss the “Made in Kingsville” Heritage Program to gather input from the public, as well as from the other organizations.

## **Additional Recommendations**

*The Committee also identified two additional considerations, recognizing they are broader and more challenging to implement successfully:*

### **5. Development of a Community Improvement Plan (CIP)**

Community Improvement Plans (CIPs) are strategic tools designed to revitalize and enhance specific areas within a community, including the preservation and repair of heritage properties. For Kingsville a CIP focused on heritage properties could provide a structured approach to celebrate and maintain the Town’s historical and cultural assets.

As noted, costs associated with owning and maintaining a heritage property are greater than other homes or buildings. A directed CIP could help maintain the historical integrity of properties by setting clear guidelines for renovations and restorations, while providing

financial incentives such as grants, tax relief, or low-interest loans to encourage property owners to invest in the upkeep and restoration of these heritage properties. This would ensure that any changes respect the original architectural and cultural significance of the buildings.

It is recognized that to be effective, a CIP requires substantial investment from the Town, including administrative expenses and funding for incentives and programs. Additionally, the required policies or by-laws will require significant time and effort to ensure that policies align with design guidelines, and to limit its misuse. For these reasons, a CIP’s effectiveness for Kingsville may be limited in that it is unlikely to provide sufficient and sustainable funding to support the need and commitment from property owners.

A Heritage Preservation CIP was introduced in Guelph. It does provide financial incentives for property owners, which has led to significant improvement in the condition and appearance of heritage properties throughout the City. The CIP has also contributed to Guelph’s appeal as a historical destination, boosting local tourism and economic activity. Despite these successes, Guelph has faced challenges such as balancing preservation with modern needs and ensuring ongoing funding and support for the program.

## **6. Lobbying for Insurance Costs**

The Heritage Advisory Committee also identified the concerns related to higher costs associated with insuring designated homes. These high costs are for both higher premiums due to the perceived risk and specialized requirements associated with maintaining these historic structures, which can deter property owners from pursuing or continuing heritage designation. This unfortunately could potentially lead to the deterioration of valuable historic assets.

The Committee also proposed taking on an advocacy role, perhaps with other heritage organizations, to advocate for adjustments in provincial policies or regulations that could reduce insurance costs for heritage properties. This might include seeking special insurance programs or subsidies for designated properties. However, it was also recognized that the current government is taking steps to limit the potential for heritage designation which is believed to interfere with housing developments. The effort may be better placed with provincial organizations who may already be lobbying for changes to heritage designation in Ontario.



**Date:** **October 7, 2024**

**To:** **Mayor and Council**

**Author:** **Lu-Ann Marentette, Drainage Superintendent**

**RE:** **Irwin Drain – New Access – Hydro One Easement with Chevalier**

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## **RECOMMENDED ACTION**

That the Report prepared by Rood Engineering dated September 6, 2024, regarding new access over the Irwin Drain for parcel 620-03300 under Section 78 of the Drainage Act, **BE ADOPTED**.

## **BACKGROUND**

In spring of 2024 Hydro One advised that an access over the Irwin Drain was required to install Hydro Poles along County Road 31 (west side of the Irwin Drain). Therefore, the owner of parcel 620-03300, in discussions with Hydro One, requested a new access over the Irwin Drain by way of an easement agreement with Hydro One.

## **DISCUSSION**

The owner currently enters the farm through the residential lot and therefore does not have his own entrance. With the Hydro One project, they also required access to install the new poles.

## **FINANCIAL CONSIDERATIONS**

The entire cost of the project will be assessed to the owner of Parcel 620-03300. The estimated cost is as follows:

Engineering	\$15,375
Construction	<u>\$76,625</u>
Total	\$92,000

Future maintenance of same will be 100% to this owner as well with no cost sharing.

## **ENVIRONMENTAL CONSIDERATIONS**

Report sent to ERCA for review and comment. A permit has already been issued for these works.

## **CONSULTATIONS**

**PREPARED BY:**



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Lu-Ann Marentette  
Drainage Superintendent

**REVIEWED BY:**



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Tim Del Greco P.Eng.  
Senior Manager, Capital Projects and Engineering



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Richard J.H. Wyma CSLA  
Director of Planning and Development

## **IRWIN DRAIN**

**Bridge for Hydro One Easement at Chevalier Parcel**  
**Geographic Township of Gosfield North**



**TOWN OF KINGSVILLE**  
*2021 Division Road North*  
**Kingsville, Ontario N9Y 2Y9**  
**519-733-2305**

***Rood Engineering Inc.***  
***Consulting Engineers***  
***9 Nelson Street***  
***Leamington, Ontario N8H 1G6***  
***519-322-1621***

*Project REI2024D016*  
*2024-09-06*



September 6th, 2024

Mayor and Municipal Council  
Corporation of the Town of Kingsville  
2021 Division Road North  
Kingsville, Ontario  
N9Y 2Y9

Mayor Rogers and Members of Council:

**IRWIN DRAIN**  
**Bridge for Hydro One Easement – Chevalier Parcel**  
**Part Lot 25, Concession 10**  
**Geographic Twp. of Gosfield North**  
**Project REI2024D016**  
**Town of Kingsville, County of Essex**

**I. INTRODUCTION**

In accordance with the instructions received from you by letter of May 7th, 2024, from your Drainage Superintendent Lu-Ann Marentette and Director of Planning and Development Richard Wyma, we have prepared the following report that provides for the construction of a new access bridge in the Irwin Drain. This proposed new bridge is intended to provide access to lands owned by Scot Chevalier, in Part Lot 25, Concession 10, in the Geographic Township of Gosfield North to give Hydro One access to their easement on the lands. The Irwin Drain is an open drain with a number of access bridges. The drain was constructed pursuant to the Drainage Act. A plan showing the Irwin Drain alignment, as well as the general location of the above-mentioned bridge, is included herein as part of the report.

Our appointment and the works related to the construction of the above-mentioned access bridge in the Irwin Drain, proposed under this report, is in accordance with Section 78 of the “Drainage Act, R.S.O. 1990, Chapter D.17 as amended 2021”. We have performed all of the necessary survey, investigations, etcetera for the proposed bridge, as well as the Irwin Drain, and we report thereon as follows.

**II. BACKGROUND**

From our review of the Town’s drainage files, we have determined that the Irwin Drain portion encompassing the affected bridge was last repaired under an Engineer’s Report dated March

21st, 1967 prepared by William Colby, P.Eng. The work included in said report consisted of drain cleaning.

We also referred to the May 3rd, 2000 report and plans by Lou Zarlenga, P.Eng. for work on the Tymec bridge and the November 14th, 2003 report and plans by Bruce Crozier, P.Eng. for work on the Trepanier bridge and our May 20th, 2014 report for the Gossen bridge. Reference was also made to the December 9th, 2005 report for the Maintenance Schedule of Assessment for the 11th Concession Branch of the Irwin Drain prepared by Nick Peralta, P.Eng. to help delineate the watershed for this current project. We have utilized the plans within said reports to establish the size parameters for the drain and the details to be used in establishing the new bridge culvert installation. We have also used these Engineers' reports to establish the drain profile grades, and to assist us in establishing the design grade for the subject farm access bridge installation. The Schedule of Assessment in the latest drainage report was used to establish the upstream watershed area and flows to be used in the design of the bridge.

### **III. PRELIMINARY EXAMINATION AND ON-SITE MEETING**

After reviewing all of the available drainage information and documentation provided by the Drainage Superintendent, we arranged with Town staff to schedule an on-site meeting for July 8th, 2024. The following people were in attendance at said meeting: Mark Fishleigh (County), Jeff Bordignon, Georgette Derikx, Scot Chevalier, George Patterson, Lu-Ann Marentette (Drainage Superintendent), and Gerard Rood (Rood Engineering).

Mr. Chevalier advised us that the lands require a new bridge to allow for access to the Hydro One easement from the roadway and across the existing agricultural lands that are adjacent to the Municipal Number 3971 parcel.

We advised Mr. Chevalier that the minimum standard top width for an access bridge is 6.10 metres (20 ft.) and that the bridge centreline location will be aligned with the Hydro One required location. The owner was also advised that because the bridge is a new primary access bridge, the cost of the new access bridge construction, as well as all the cost for the preparation of the Engineer's Report would be assessed to the abutting owner. It was established that the owner is satisfied with the minimum 12.2m (40') top width to allow for the Hydro One equipment to more easily access the easement on the farm. We went on to discuss sloped rock protection end treatments or precast decorative concrete block ends and the Mr. Chevalier requested sloped rip rap on filter cloth end treatments. He was advised that there would be daylighting provided on the roadway side with a 5-metre radius. Mr. Chevalier was advised that all future cost for maintenance would be assessed to him because the bridge is for utility access and there is no sharing to upstream lands or roads. The attendees were advised of the 2014 bridge project just downstream at MN 3995 and the 2400mm diameter aluminized corrugated steel pipe that was installed. Mr. Chevalier advised that he would set purple flags for the bridge location desired with the south end of the bridge being at the north property line of MN 3971 and extending northerly. Timelines for the "temporary" bridge installation were discussed and the bridge will be legalized

when the drainage report is processed. If anyone has questions on the project, they can contact the Town or Rood Engineering.

The overall drainage report procedure, future maintenance processes and grant eligibility were generally reviewed with the attendees. They were also advised that the works will be subject to the approval of the Department of Fisheries and Oceans (D.F.O.), the Ministry of Natural Resources and Forestry (M.N.R.F.), Ministry of Environment, Conservation & Parks (M.E.C.P.) and the Essex Region Conservation Authority (E.R.C.A.). We further discussed bridge maintenance, sizing, and material of the proposed bridge. We explained that the Town of Kingsville standard for pipe material is aluminized steel pipe that will approximately double the service life of the pipe at minimal cost.

#### **IV. FIELD SURVEY AND INVESTIGATIONS**

Following the on-site meeting we arranged for our survey crew to attend at the site and perform a topographic survey, including taking the necessary levels and details to establish the design parameters for the installation of this new access bridge.

A benchmark was looped from previous work carried out on the drain and was utilized in establishing a site benchmark near the location of the bridge. We surveyed the drain both upstream and downstream of the proposed new access bridge and picked up the existing concrete bridges and culvert elevations in order to establish a design grade profile for the installation of the new bridge. We also took cross-sections of the Irwin Drain at the general location of the proposed bridge, as necessary for us to complete our design calculations, estimates and specifications.

We reviewed the E.R.C.A. and D.F.O. Species at Risk mapping for fish and mussels and the Town made initial submissions to the Essex Region Conservation Authority (E.R.C.A.) regarding their requirements. Any D.F.O. (Department of Fisheries and Oceans) requirements for work that would be proposed to be carried out on the Irwin Drain was investigated. A response from the Conservation Authority was received by email on May 16th, 2024, and indicated that the Town must apply for a permit and follow standard mitigation requirements.

The Ministry of Natural Resources & Forestry (M.N.R.F.) Species at Risk former Town agreement with M.N.R.F. pursuant to Section 23 of the “Endangered Species Act, 2007” expired as of June 30th, 2015. The former agreements are replaced with new legislation provisions under Ontario Regulation 242/08, Section 23.9 which allows repairs, maintenance, and improvements to be conducted by the Town within existing municipal drains and is administered by the Ministry of Environment, Conservation and Parks (M.E.C.P.). These works are exempt from Sections 9 and 10 of the Endangered Species Act provided that the rules in the regulations are followed. When eligible, the new regulations allow Municipalities to give notice to M.N.R.F. by registering their drainage activities through an online registry system.

For the purposes of establishing the watershed area upstream of the proposed bridge, and determining the pipe size required, we investigated and reviewed the past drainage reports on the Irwin Drain.

## **V. FINDINGS AND RECOMMENDATIONS**

Prior to the preparation of our report, we reviewed the details of the bridge installation including the end treatment options based on the regulatory restrictions and the cost estimates that we were to review. Through our investigations, it was determined that the sloped rip rap on filter cloth endwalls was the most economical, and we have proceeded with this option, along with the aluminized pipe, as discussed at the on-site meeting.

Based on our detailed survey, investigations, examinations, and discussions with the affected property owner, we would recommend that a new access bridge be constructed in the Irwin Drain at the location and to the general parameters as established in our design drawings attached herein. The bridge design will ensure that the drain functionality is not affected and there will be no adverse impacts to the upstream or downstream areas of the drain and adjacent lands.

During the course of our investigations, this drainage project was discussed and reviewed with E.R.C.A., to deal with any Authority and D.F.O. issues and comments related to this Municipal drain. In the interest of fish habitat and migration, D.F.O. requires that the invert of the new bridge culvert be embedded below the design or existing bottom of the drain a minimum of 10% of the pipe height to ensure a continued path for fish migration through the bridge culvert. Therefore, based on this, we have made provisions to set the invert of the proposed 2400mm diameter corrugated steel pipe culvert required for this bridge installation, at approximately 0.240 metres below the drain bottom design grade. The D.F.O. Species at Risk screening maps confirm that there are no Species at Risk Fish or Mussels identified in this area. The Irwin Drain is located within the Regulated Area and is under the jurisdiction of the E.R.C.A., and therefore all work has to comply with the current mitigation provisions of the E.R.C.A. and D.F.O. Details of these mitigation measures are included in the Specifications and Appendix “REI-A” forming part of this report.

As is now required under the new Endangered Species Act (E.S.A.), 2007 Provincial Legislation, we have reviewed the former M.N.R.F. agreement with the Town. The M.N.R.F. mapping has basically confirmed that there are no foreseen impacts to natural heritage features or endangered or threatened species on this project; therefore, a permit or agreement under the E.S.A. 2007 is not necessary at this time. Because turtles and snakes are mobile and indicated as sensitive in the area, we have included herein a copy of the M.N.R.F. mitigation requirements for them in Appendix “REI-B”.

Providing mitigation requirements are implemented it was concluded that present wildlife Species at Risk will be protected from negative impacts and will not contravene with Section 9 (species protection) or Section 10 (habitat protection) of the Endangered Species Act, 2007.

Based on this information we find that the Town can proceed with the eligible repairs, maintenance, and improvements to the drain as they are exempt under Sections 9 and 10 of the Act, provided that they follow the rules within Ontario Regulation 242/08. To address these requirements the Town has established comprehensive mitigation measures as well as species identification guides for reference. Copies of the measures and guides shall be provided to the successful Tenderer for use during construction, and these documents are available for viewing by any interested parties at the Town office.

Based on all of the above, we recommend that a new access bridge be constructed in the Irwin Drain to serve the Hydro One easement on the agricultural lands of Scot Chevalier, in Part of Lot 25, Concession 10, in accordance with this report, the attached specifications and the accompanying drawings, and that all works associated with same be carried out in accordance with Section 78 of the "Drainage Act, R.S.O. 1990, Chapter D.17 as amended 2021". Since the work will be carried out from the roadway and in the bridge area and full restoration provided, we find that there is no allowances required under Sections 29 and 30 of the Drainage Act.

## **VI. ESTIMATE OF COST**

Our estimate of the total cost of this work including all incidental expenses is the sum of **NINETY TWO THOUSAND DOLLARS (\$92,000.00)**, made up as follows:

### **CONSTRUCTION**

Item 1) Provide all labour, equipment and material to construct a new access bridge consisting of 23.0 metres (75.5 ft.) of 2400mm diameter, 2.8mm thick, aluminized steel Type II corrugated Hel-Cor pipe with annular ends and 125mm x 25mm corrugation profile, 600mm wide aluminized bolted couplers with filter cloth wrap, including 300mm thick sloped rip rap on filter cloth end treatments, granular bedding and backfill, 300mm thick Granular "A" approaches and driveway surface, tile diversions if necessary, removal and disposal of deleterious materials, excavation, compaction, cleanup and restoration, complete.

Lump Sum	\$	75,300.00
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Net H.S.T. (1.76%)	\$	1,325.00
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<b>TOTAL FOR CONSTRUCTION</b>	<b>\$</b>	<b>76,625.00</b>
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**INCIDENTALS**

1) Report, Estimate, and Specifications	\$ 4,000.00
2) Survey, Assistants, Expenses, Drawings, Duplication Cost of Report and Drawings	\$ 7,500.00
3) Estimated Cost of Preparing Tender Documents	\$ 700.00
4) Estimated Cost of Construction Supervision and Inspection (based on 2 days)	\$ 1,500.00
5) Estimated Net H.S.T. on Items Above (1.76%)	\$ 241.00
6) Estimated Cost of E.R.C.A. permit	\$ 500.00
7) Estimated Contingency Allowance	\$ 934.00
<hr/>	
<b>TOTAL FOR INCIDENTALS</b>	<b>\$ 15,375.00</b>
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<b>TOTAL FOR CONSTRUCTION (brought forward)</b>	<b>\$ 76,625.00</b>
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<b>TOTAL ESTIMATE</b>	<b>\$ 92,000.00</b>
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**VII. DRAWINGS AND SPECIFICATIONS**

As part of this report, we have attached a design drawing for the construction of this new access bridge. The design drawing shows the subject bridge location and the details of the new access bridge installation. The design drawing is attached to the back of this report and is labelled Appendix “REI-E”.

Also attached, we have prepared Specifications which set out the required construction details for the proposed bridge installation, which also includes Standard Specifications within Appendix “REI-C”.

### **VIII. CONSTRUCTION SCHEDULE OF ASSESSMENT**

We would recommend that all of the costs associated with the construction of this new access bridge, and the preparation of this Engineer's report, be assessed against the agricultural lands of Scot Chevalier (620-03300), in Part of Lot 25, Concession 10 in the Town of Kingsville. A Construction Schedule of Assessment has been prepared and included herein to indicate the lands assessed for this new access bridge installation that will serve as a utility access to their easement.

It has been clearly established that this new access bridge is being provided to serve as the access from County Road 31 to an existing agricultural farm parcel for the Hydro One easement. Pursuant to the current Agricultural Drainage Infrastructure Program (A.D.I.P.) Policies that are in place, it is anticipated that these lands designated as Farm Property Tax Class will not be eligible for a grant from the Ontario Ministry of Agriculture, Food and Rural Affairs (O.M.A.F.R.A.) in the amount of 1/3 of their total assessment for this project due to this being an access for serving a utility. Where a bridge structure has increased top width beyond the standard 6.10 metre (20.0 ft.) top width, all of the increased costs resulting from same are assessed 100% to the Owner, as provided for in the cost sharing set out in the attached Schedule of Assessment.

### **IX. FUTURE MAINTENANCE**

We recommend that the bridge structure as identified herein, be maintained in the future as part of the drainage works. We would also recommend that the bridge, for which the maintenance costs are to be borne by the served land parcel, be maintained by the Town and that said maintenance would include works to the bridge culvert, bedding, backfill and end treatment. Should concrete, asphalt, or other decorative driveway surfaces over these bridge culverts require removal as part of the maintenance works, these surfaces shall also be repaired or replaced as part of the works. Likewise, if any fencing, gate, decorative walls, guardrails, or other special features exist that will be impacted by the maintenance work, they are also to be removed and restored or replaced as part of the bridge maintenance work. However, the cost of the supply and installation of any surface materials other than Granular "A" material and the cost of removal and restoration or replacement, if necessary, of any special features, shall be totally assessed to the benefiting adjoining Owner(s) served by said access bridge.

After the completion of all of the works included within this report, the access bridge within the Irwin Drain shall be maintained in the future by the Town of Kingsville. Furthermore, if any maintenance work is required to this access bridge in the future, we recommend that 100% of the future maintenance costs shall be assessed against the abutting property being served by the access bridge, which is currently owned by Scot Chevalier, in Part of Lot 25, Concession 10, as provided for in the attached Schedule of Assessment.

**Report – Irwin Drain**  
Bridge for Hydro One Easement  
Town of Kingsville - REI2024D016

2024-09-06

The above provisions for the future maintenance of this new access bridge, being constructed under this report, shall remain as aforesaid until otherwise determined under the provisions of the “Drainage Act, R.S.O. 1990, Chapter D.17 as amended 2021”.

All of which is respectfully submitted.

**Rood Engineering Inc.**

*Gerard Rood*

Gerard Rood, P.Eng.

tm

att.



**ROOD ENGINEERING INC.**

Consulting Engineers  
9 Nelson Street  
LEAMINGTON, Ontario N8H 1G6

SCHEDULE OF ASSESSMENT

IRWIN DRAIN

(Hydro One Easement Bridge - Chevalier Parcel)

Town of Kingsville

**5. PRIVATELY OWNED - AGRICULTURAL LANDS (non-grantable):**

Con.

or

Tax Roll <u>No.</u>	Plan <u>No.</u>	Lot or Part <u>of Lot</u>	Acres <u>Owned</u>	Acres <u>Afft'd</u>	Hectares <u>Afft'd</u>	<u>Owner's Name</u>	Value of <u>Benefit</u>	Value of <u>Outlet</u>	TOTAL <u>VALUE</u>
620-03300	10	25	19.822	48.98	19.822	Scot Chevalier	\$ 66,792.00	\$ 25,208.00	\$ 92,000.00
<b>Total on Privately Owned - Agricultural Lands (non-grantable).....</b>							<b>\$ 66,792.00</b>	<b>\$ 25,208.00</b>	<b>\$ 92,000.00</b>
<b>TOTAL ASSESSMENT</b>				49.98	20.23		<b>\$ 66,792.00</b>	<b>\$ 25,208.00</b>	<b>\$ 92,000.00</b>

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1 Hectare = 2.471 Acres

Project No. REI2024D016

September 6th, 2024



**SPECIFICATIONS****IRWIN DRAIN****Bridge for Hydro One Easement – Chevalier Parcel****(Geographic Township of Gosfield North)****TOWN OF KINGSVILLE****I. GENERAL SCOPE OF WORK**

The Irwin Drain currently comprises of an open Municipal drain generally located along the west side of Albuna Townline Road (County Road 31) and extending from its outlet in the Silver Creek Drain east of County Road 31 westerly to the Townline roadway and southerly along the west side of the road to its upper end just north of County Road 14. The work under this project generally comprises of a new access bridge serving the lands for Hydro One access to their easement near the middle of Concession 10 between the 10th Concession Road and 11th Concession Road. The work on the bridge being constructed includes the installation of a new culvert to the north of the existing bridge at MN 3971; culvert end treatments comprising of sloped rip rap on filter cloth; granular approaches and backfill; and granular transition areas.

All work shall be carried out in accordance with these specifications, the plans forming part of this drainage project, as well as the Standard Details included in Appendix “REI-C”. The bridge improvements and new construction shall be of the size, type, depth, etcetera, as is shown in the accompanying drawings, as determined from the Benchmarks, and as may be further laid out at the site at the time of construction. All work carried out under this project shall be completed to the full satisfaction of the Town Drainage Superintendent and the Consulting Engineer.

**II. E.R.C.A. AND D.F.O. CONSIDERATIONS**

The Contractor will be required to implement stringent erosion and sedimentation controls during the course of the work to help minimize the amount of silt and sediment being carried downstream into the Silver Creek Drain. It is intended that work on this project be carried out during relatively dry weather to ensure proper site and drain conditions and to avoid conflicts with sediment being deposited into the outlet drainage system. All disturbed areas shall be restored as quickly as possible with grass seeding and mulching installed to ensure a protective cover and to minimize any erosion from the work sites subsequent to construction. The Contractor may be required to provide temporary silt fencing and straw bales as outlined further in these specifications.

All of the work shall be carried out in accordance with any permits or authorizations issued by the Essex Region Conservation Authority (E.R.C.A.) or the Department of Fisheries and Oceans (D.F.O.), copies of which will be provided, if available, and the notes in Appendix “REI-A”. The Contractor is advised that no work may be carried out in the existing drain from March 15th to June 30th of any given year because the drain is directly connected to a downstream area that is classified as sensitive to impacts on aquatic life and habitat by E.R.C.A. and D.F.O.

As part of its work, the Contractor will implement the following measures that will ensure that any potential adverse effects on fish and fish habitat will be mitigated:

- a) As per standard requirements, work will not be conducted at times when flows in the drain are elevated due to local rain events, storms, or seasonal floods. Work will be done in the dry.
- b) All disturbed soils on the drain banks and within the channel, including spoil, must be stabilized immediately upon completion of work. The restoration of the site must be completed to a like or better condition to what existed prior to the works. The spoil material must be hauled away and disposed of at a suitable site, or spread an appropriate distance from the top of the drain bank to ensure that it is not washed back into the drain.
- c) To prevent sediment entry into the Drain, in the event of an unexpected rainfall, silt barriers and/or traps must be placed in the channel during the works and until the site has been stabilized. All sediment and erosion control measures are to be in accordance with related Ontario Provincial Standards. It is incumbent on the proponent and their Contractors to ensure that sediment and erosion control measures are functioning properly and are maintained and upgraded as required.
- d) Silt or sand accumulated in the barrier traps must be removed and stabilized on land once the site is stabilized.
- e) All activities including maintenance procedures should be controlled to prevent the entry of petroleum products, debris, rubble, concrete, or other deleterious substances into the water. Vehicular refuelling and maintenance should be conducted away from the water.

### **III. M.N.R.F. & M.E.C.P. ENDANGERED SPECIES ACT CONSIDERATIONS**

The Ministry of Natural Resources & Forestry (M.N.R.F.) Species at Risk former Town agreement with M.N.R.F. pursuant to Section 23 of the “Endangered Species Act, 2007” expired as of June 30th, 2015. The former agreements are replaced with new regulation provisions under Ontario Regulation 242/08 administered by the M.E.C.P. The Contractor is to note that the Ministry of Environment, Conservation and Parks (M.E.C.P.) screening process by way of a Species at Risk (S.A.R.) review of the M.E.C.P. “Endangered Species Act, 2007” (E.S.A.) will be completed as a self-assessment by the Town pursuant to Section 23.9 of the E.S.A. prior to construction. This

Section allows the Town to conduct eligible works of repair, maintenance, and improvements to existing municipal drains under the Drainage Act, and exemptions from Sections 9 and 10 of the E.S.A., provided that the requirements are followed in accordance with Ontario Regulation 242/08. The results of the review will be provided to the Contractor and copies of the mitigation measures, habitat protection and identification sheets will be included within Appendix “REI-B”. When eligible, the new regulations allow Municipalities to give notice to M.N.R.F. by registering their drainage activities through an online registry system.

The M.N.R.F. - M.E.C.P. mapping has basically confirmed that snake species including Butler's Garter Snake and Eastern Fox Snake are threatened and endangered, respectively, on this project. Because snakes are mobile and indicated as sensitive and endangered in the area, we have included herein a copy of the M.N.R.F. - M.E.C.P. mitigation requirements for them in Appendix “REI-B”. Providing mitigation requirements are implemented, it was concluded that present wildlife Species at Risk will be protected from negative impacts and the works will not contravene Section 9 (species protection) or Section 10 (habitat protection) of the Endangered Species Act, 2007.

The Contractor is to review Appendix “REI-B” in detail and is required to comply in all regards with the contents of said M.N.R.F. & M.E.C.P. measures, and follow the special requirements therein included during construction. Throughout the course of construction, the Contractor will be responsible to ensure that all necessary provisions are undertaken to protect all species at risk and their habitats including those in the N.H.I.C. table in the Appendix. If a threatened or sensitive species is encountered, the Contractor shall notify the Town and M.N.R.F. - M.E.C.P. and provide all the equipment and materials stipulated by the mitigation requirements for handling the species and cooperate fully with the Town and M.N.R.F. - M.E.C.P. staff in the handling of the species.

#### **IV. ACCESS TO WORK**

The Contractor is advised that the majority of the work to be carried out on this project extends along the west side of County Road 31. The Contractor shall have access for the full width of the roadway abutting the proposed drainage works. The Contractor may utilize the right-of-way as necessary, to permit the completion of all of the work required to be carried out for this project. The Contractor shall also have access into the driveway as necessary to carry out the construction of the new access bridge, as set out on the plans and in these specifications, along with a sufficient area in the vicinity of the bridge to carry out the required construction of the drain clearing and new structure installation and ancillary work.

The Contractor shall ensure that the traveling public is protected at all times while utilizing the roadway for its access. The Contractor shall provide traffic control, including flag persons when required. Should the Contractor have to close County Road 31 for the proposed works, it shall obtain the permission of the Town Drainage Superintendent or Consulting Engineer and arrange to provide the necessary notification of detours around the site. The Contractor shall also ensure

that all emergency services, school bus companies, etcetera are contacted about the disruption to access at least 48 hours in advance of same. All detour routes shall be established in consultation with the County Works Department.

Throughout the course of the work, it is imperative that the Contractor protect as much landscaping and vegetation as possible when accessing along the drain. This will be of particular concern along the lawn areas of residential properties. Due to the extent of the work and the area for carrying out the work, the Contractor will be required to carry out all of the necessary steps to direct traffic and provide temporary diversion of traffic around work sites, including provision of all lights, signs, flag persons, and barricades required to protect the safety of the traveling public. Any accesses or areas used in carrying out the works are to be fully restored to their original conditions by the Contractor at its cost, including topsoil placement and lawn restoration as directed by the Town Drainage Superintendent and the Consulting Engineer. Restoration shall include but not be limited to all necessary levelling, grading, shaping, topsoil, seeding, mulching, and granular placement required to make good any damage caused.

**V. REMOVAL OF BRUSH, TREES AND RUBBISH**

Where there is any brush, trees or rubbish along the course of the drainage works, including the full width of the work access, all such brush, trees or rubbish shall be close cut and grubbed out, and the whole shall be chipped up for recycling, burned or otherwise satisfactorily disposed of by the Contractor. The brush and trees removed along the course of the work are to be put into piles by the Contractor in locations where they can be safely chipped and disposed of, or burned by it, or hauled away and disposed of by the Contractor to a site to be obtained by it at its expense. Prior to and during the course of any burning operations, the Contractor shall comply with the guidelines prepared by the Air Quality Branch of the Ontario Ministry of the Environment; and shall ensure that the Environmental Protection Act is not violated. The Contractor will be required to notify the local fire authorities to obtain any permits and co-operate with them in the carrying out of any work. The removal of brush and trees shall be carried out in close consultation with the Town Drainage Superintendent or Consulting Engineer to ensure that no decorative trees or shrubs are disturbed by the operations of the Contractor that can be saved. It is the intent of this project to save as many trees and bushes as practical within the roadway allowances and on private lands. Where decorative trees or shrubs are located directly over drainage pipes, the Contractor shall carefully extract same and turn them over to the Owner when requested to do so and shall cooperate with the Owner in the reinstallation of same if required.

The Contractor shall protect all other trees, bushes, and shrubs located along the length of the drainage works except for those trees that are established, in consultation with the Town Drainage Superintendent, the Consulting Engineer, and the Owners, to be removed as part of the works. The Contractor shall note that protecting and saving the trees may require the Contractor to carry out hand work around the trees, bushes, and shrubs to complete the necessary final site grading and restoration.

Following the completion of the work, the Contractor is to trim up any broken or damaged limbs on trees which are to remain standing, and it shall dispose of said branches along with other brush, thus leaving the trees in a neat and tidy condition.

The Contractor shall remove all deleterious materials and rubbish along the course of the open drain in the location of the work areas and any such materials located in the bridge culverts and enclosures while carrying out its cleaning of same. All such deleterious materials and rubbish shall be loaded up and hauled away by the Contractor to a site to be obtained by it at its cost.

**VI. FENCING**

Where it is necessary to take down any fence to proceed with the work, the same shall be done by the Contractor across or along that portion of the work where such fence is located. The Contractor will be required to exercise extreme care in the removal of any fencing so as to cause a minimum of damage to same. The Contractor will be required to reinstall any fence that is taken down in order to proceed with the work, and the fence shall be reinstated in a neat and workmanlike manner. The Contractor will not be required to procure any new materials for rebuilding the fence provided that it has used reasonable care in the removal and replacement of same. When any fence is removed by the Contractor, and the Owner thereof deems it advisable and procures new material for replacing the fence so removed, the Contractor shall replace the fence using the new materials and the materials from the present fence shall remain the property of the Owner.

**VII. DETAILS OF OPEN DRAIN WORK**

The open drain shall be excavated to the lines, levels, grades and cross-sections as shown on the accompanying drawings, or as may be further established by the Town Drainage Superintendent or the Engineer at the time of the work. The drain shall be carefully excavated so as not to disturb the existing banks, rock protection and vegetation, except for those portions of the drain where widening or restoration of a stable drain bank configuration is required. The bottom width of the drain and the sideslopes of the excavation shall conform to the dimensions given on the drawings.

The drain shall be of the size, type, depth, etcetera as shown on the accompanying drawings. When completed, the drain shall have a uniform and even bottom and in no case shall such bottom project above the grade line, as shown on the accompanying drawings, and as determined from the Benchmarks. The finished side slopes of the drain shall be 1.5 metres horizontal to 1.0 metre vertical.

The excavated material to be cast onto the adjoining lands shall be well and evenly spread over a sufficient area so that no portion of the excavated earth is more than 100mm in depth. The

material shall be kept at least 1.2 metres clear from the finished edge of the drain, care being taken not to fill up any existing tiles, ditches, furrows or drains with the excavated material. The excavated material to be spread upon the lands shall be free from rocks, cobbles, boulders, stumps, rubble, rubbish or other similar material and these materials, if encountered, shall be hauled away by the Contractor and disposed of at a site to be obtained by it at its expense.

Where the drain crosses any lawn, garden, orchard, parking, roadway or driveway areas, the excavated material for the full width of the above-mentioned areas shall be hauled away by the Contractor and disposed of to a site to be obtained by the Contractor at its expense. All work at the disposal site shall be established between the Contractor and the site owner. The Contractor shall be responsible for any permits required and shall provide copies of same to the Town and Consulting Engineer when requested in accordance with excess soil regulations.

Where there is any brush or rubbish in the course of the drain, including both side slopes of the drain, all such brush or rubbish shall be close cut and grubbed out. Where there is any brush or rubbish where the earth is to be spread, or on that strip of land between where the earth is to be spread and the edge of the drain, all such brush or rubbish shall be close cut and grubbed out. The whole is to be burned, chipped or otherwise satisfactorily disposed of by the Contractor.

## **VIII. DETAILS OF BRIDGE WORK**

The Contractor shall provide all material, labour and equipment to install the new access bridge in the Irwin Drain requiring work, along with endwall installations and other improvements as noted.

The new bridge shall be constructed with new aluminized steel Type II Hel-Cor pipe. The new access bridge installation shall comprise of aluminized steel Type II helical pipe. All piping sections shall be connected by the use of 9 corrugation (9-C) bolted aluminized couplers installed around the complete circumference of the pipe in accordance with the manufacturer's recommendation. Each coupler shall be wrapped in filter cloth material around the complete circumference to ensure that there will be no soil migration through the joints and into the pipe through said connections.

The culvert pipe new installation on this project shall be set to the grades as shown on the plans or as otherwise established herein and the Town Drainage Superintendent or the Consulting Engineer may make minor changes to the bridge alignment as they deem necessary to suit the site conditions. All work shall be carried out in general accordance with the items in the **"STANDARD SPECIFICATIONS FOR ACCESS BRIDGE CONSTRUCTION"** attached to this report and labelled Appendix "REI-C".

**IX. CORRUGATED STEEL PIPE INSTALLATION**

The new corrugated steel pipe (C.S.P.) to be installed on this project is required to be provided in the longest lengths that are available and shall not be less than 3.0 metres. Where the overall access pipe length exceeds the standard pipe lengths, the Contractor shall connect the pipe sections together by use of a manufactured 9-C bolted coupler installed in accordance with the manufacturer's recommendations. All coupler joints shall be wrapped with a layer of filter cloth around the complete circumference so that it extends a minimum of 100mm beyond the coupler on each end, to ensure a positive seal against soil migration through the joints.

The Contractor shall note that the placement of any new culvert pipe shall be performed totally in the dry and it shall be prepared to take whatever steps are necessary to ensure same, all to the full satisfaction of the Town Drainage Superintendent or the Consulting Engineer. As part of the work, the Contractor will be required to clean out the drain along the full length of the pipe and for a distance of 3.05 metres (10 ft.) upstream and downstream of the pipe. The design parameters of the Irwin Drain at the location of the new access bridge installation consist of a 1.2m (4.0 ft.) bottom width, the grade shown on the profile, and 1.5 horizontal to 1.0 vertical sideslopes. The Contractor shall note that the pipe inverts are set at least 10% of the pipe diameter (or the pipe rise) below the drain bottom to provide the embedment required by E.R.C.A. and D.F.O. and to meet the minimum cover requirements for the pipe.

The installation of the complete length of the new culvert pipe, including all appurtenances, shall be completely inspected by the Town Drainage Superintendent or the Consulting Engineer's Inspector prior to backfilling any portions of same. Under no circumstance shall the Contractor commence the construction or backfill of the new culvert pipe without the site presence of the Town Drainage Superintendent or the Consulting Engineer's Inspector to inspect and approve said installation. The Contractor shall provide a minimum of two (2) working days' notice to the Town Drainage Superintendent or the Consulting Engineer prior to commencement of the work. The installation of the new culvert structure is to be performed during normal working hours of the Town Drainage Superintendent and the Consulting Engineer from Monday to Friday unless written authorization is provided by them to amend said working hours.

For the access bridge installation, once the new aluminized steel type II corrugated pipe has been satisfactorily set in place, the Contractor shall completely backfill same with granular material M.T.O. Type "B" O.P.S.S. Form 1010 with the following exception. The top 305mm (12") of the backfill material for the full top width of the access, and the full top width of the drain or the excavated trench, and any approaches to the west and transitions to the east shall be granular material M.T.O. Type "A" O.P.S.S. Form 1010. All of the driveway approach areas extending from the Town roadway to the west face of the new bridge culvert shall be backfilled with compacted granular material M.T.O. Type "A" O.P.S.S. Form 1010, but only after all topsoil material has been completely removed and disposed of, and the minimum thickness of this granular material shall be 305mm (12"). All areas outside of the access driveway shall be backfilled with native material compacted to 95% of Standard Proctor Density and topped with a minimum of 50mm of topsoil and shall be seeded and mulched.

For hard surface driveway crossings, the top 305mm (12") of the backfill over the pipe below the hard surface treatment shall comprise granular material M.T.O. Type "A" O.P.S.S. Form 1010 compacted to a minimum of 100% Standard Proctor Density. The Contractor shall at all times be very careful when performing its backfilling and compaction operations so that no damage is caused to the pipe. To ensure that no damage is caused to the proposed pipe, alternative methods of achieving the required backfill compaction shall be submitted to the Consulting Engineer or the Town Drainage Superintendent for their approval prior to the commencement of this work. The Contractor shall restore the asphalt surface by placing a minimum of the existing thickness or a 90mm minimum thickness of Type HL-4 or equivalent SuperPave hot mix asphalt. The asphalt shall be supplied and placed in two (2) approximately equal lifts compacted to a value ranging from 92% to 96% of maximum relative density as per O.P.S.S. 310. For existing concrete driveways, the Contractor shall carefully remove the concrete to the nearest expansion joint. The concrete driveway shall be restored to the original length and width that was removed and include 150mm thick, 30mPa concrete, with 6%  $\pm 1\%$  air entrainment and 6x6-6/6 welded wire fabric reinforcing installed at the midpoint of the slab. All slab surfaces shall be finished to provide an appearance approximating the finish on the existing concrete driveway abutting the replacement.

The Contractor will be responsible to restore any damage caused to the roadways at its cost. All damaged hard surface roadway areas shall be neatly saw cut and the damaged materials removed and disposed of by the Contractor prior to carrying out any restoration work. The extent of the repairs shall be established in consultation with the Town Drainage Superintendent, the Road Authority, and the Consulting Engineer and the repairs shall be completed to their full satisfaction.

The Contractor is to note that any intercepted pipes or tiles along the length of the proposed culvert are to be extended and connected at its cost to the open drain at the end of the new culvert unless otherwise noted in the accompanying drawings.

The Contractor shall also note that the placing of the new access bridge culvert shall be completed so that it totally complies with the parameters established and noted in the Bridge Details and Tables for the culvert replacement. The culvert shall be set on an even grade and the placement shall be performed totally in the dry, and the Contractor should be prepared to take whatever steps are necessary to ensure same, all to the full satisfaction of the Town Drainage Superintendent or the Consulting Engineer. The Contractor shall also be required to supply a minimum of 100mm (4") of 20mm (3/4") clear stone bedding underneath the culvert pipe extending from the bottom of the drain to the culvert invert grade, all to the full satisfaction of the Town Drainage Superintendent or the Consulting Engineer. Furthermore, if an unsound base is encountered, it must be removed and replaced with 20mm (3/4") clear stone satisfactorily compacted in place to the full satisfaction of the Town Drainage Superintendent or the Consulting Engineer. The Contractor is to note that when replacing an access bridge or enclosure culvert, it shall be required to excavate a trench having a width not less than the new pipe outside diameter plus a 600mm working width on both sides of the new pipe to allow for proper installation of granular backfill and compaction of same. The Contractor shall also note that all culvert pipe

installations are to be carried out with a minimum of 10% of their diameter or rise embedded below the drain design bottom, as shown and noted on the plan for each of the access bridge installations.

**X. REMOVALS**

Where existing access bridges and enclosures are to be completely removed and replaced, the Contractor shall be required to excavate and completely extract the existing concrete structure or culvert pipe and the existing endwalls in their entirety, as well as any other deleterious materials that may be encountered in removing same, excluding poured concrete headwalls that are to be reused. The Contractor shall neatly saw cut any concrete or asphalt surfaces over the pipes for a sufficient width to allow for the safe removal of same or go to the nearest expansion joint panel of the concrete driveways. The Contractor shall also be required to completely dispose of all removed materials to a site to be obtained by it at its own expense. The Contractor shall note that when headwalls are shown to be left in place, the Contractor shall protect same and carry out its work for the pipe replacement as noted above and dispose of any debris resulting from the work.

All unsuitable and deleterious materials from the excavation and removal of the existing bridge and enclosure culverts and drain cleaning shall be hauled away and disposed of by the Contractor to a site to be obtained by it at its expense. Likewise, any material excavated to allow for the granular approaches to the bridge, driveway transitions, or installation of new headwalls shall also be hauled away and disposed of by the Contractor in accordance with excess soil regulations.

**XI. CONCRETE FILLED JUTE BAG, PRECAST CONCRETE BLOCK OR SLOPED END PROTECTION**

Unless otherwise shown or noted, the Contractor is to provide new concrete filled jute bag headwalls, precast concrete block, or sloped quarried limestone on non-woven filter cloth end protection for the access bridges and enclosures being replaced or constructed on this drain.

The concrete filled jute bags are to be provided and laid out as is shown and detailed in the drawings provided by the Town and as noted in the Standard Specifications in Appendix “REI-C”. In all cases, the concrete filled jute bag headwalls shall be topped with a minimum 100mm (4") thick continuous concrete cap comprising 30mPa concrete with 6% ±1% air entrainment for the entire length of the headwalls. The headwalls shall be installed on an inward batter to be not less than 1 horizontal to 5 vertical, and under no circumstances shall this batter, which is measured from the top of the headwall to the projection of the end of the pipe, be less than 305mm (12"). From the midpoint of the pipe height down to the concrete footing, the wall shall be a double concrete filled jute bag installation. On the roadside the walls shall be deflected as shown to provide daylighting and a better approach across the new bridge.

The installation of the concrete filled jute bag headwalls, unless otherwise specified, shall be provided in total compliance with the Items 1, 3, and 4 included in the **"STANDARD SPECIFICATIONS FOR ACCESS BRIDGE CONSTRUCTION"**. These are attached to the back of these specifications and labelled **Appendix "REI-C"**. The Contractor shall comply in all respects with the General Conditions included in Item 4 and the **"Typical Concrete Filled Jute Bag Headwall End Protection"** detail also shown therein.

The Contractor shall install decorative interlocking precast concrete blocks with filter cloth backing for walls on both ends of the bridges requiring same. The blocks shall be minimum 600X600X1200mm in size as available from Underground Specialties - Wolseley, Windsor, Ontario, or equal, and installed as set out in **Appendix "REI-C"**. Vertical joints shall be staggered by use of half blocks where needed and wingwall deflections when required shall employ 45-degree angled blocks. Voids between the blocks and the pipe shall be grouted with 30mPa concrete having 6%  $\pm 1\%$  air entrainment and extend for the full thickness of the wall and have a smooth uniform finish on the face that blends with the precast blocks. The installation of the endwalls, as well as the backfilling of the pipe where applicable, shall be provided in compliance with Items 1), 3), and 4) of the "Standard Specifications for Access Bridge Construction" attached within **Appendix "REI-C"** and in total compliance and in all respects with the General Conditions included in said Appendix. The Contractor shall submit shop drawings for approval of the wall installation that includes details for a minimum 300mm thick concrete footing that extends from the pipe invert downward. The footing shall extend into the drain banks each side for the required embedment of the blocks and be constructed to ensure that the completed wall will be completely vertical or tipped slightly back towards the driveway. Where the block walls extend more than 1.8 metres in height, the supplier shall provide the Contractor with uni-axial geogrid (SG350 or equivalent) reinforcement for installation to tie the wall back into the granular backfill. The Contractor, in all cases, shall comply with these specifications and upon completion of the stacked precast concrete end protection installation shall restore the adjacent areas to their original conditions. The Contractor shall supply quarried limestone on filter cloth rock protection adjacent to the headwalls at each corner of the bridge. All rock protection shall be 1.0 metres wide and 305mm (12") thick, installed on non-woven filter cloth, and shall be installed in accordance with Item 2) of the "Standard Specifications for Access Bridge Construction". The synthetic filter mat to be used shall be non-woven geotextile GMN160 conforming to O.P.S.S. 1860 Class I, as available from Armetec Construction Products through Underground Specialties - Wolseley in Windsor, Ontario or equal. The quarried limestone to be used shall be graded in size from a minimum of 100mm to a maximum of 250mm, and is available from Walker Industries Amherst Quarries, in Amherstburg, Ontario, or equal.

Where sloped end protection is specified, the top 305mm (12") of backfill material over the ends of the access pipe, from the invert of said pipe to the top of the driveway elevation of the access bridge or enclosure, shall be quarried limestone. The quarried limestone shall be provided as shown and detailed on the plans or as indicated in the Standard Specifications in **Appendix "REI-C"** and shall be graded in size from a minimum of 100mm (4") to a maximum of 250mm (10"). The quarried limestone to be placed on the sloped ends of an access bridge or enclosure shall be underlain with a synthetic **non-woven** geotextile filter fabric. The sloped quarried limestone

protection is to be rounded as shown on the plan details and shall also extend along the drain side slopes to a point directly in line with the ends of the culvert pipe. The roadside approach to the entrance shall be provided with a minimum 5.0m radius at each end of the driveway entrance. All work shall be completed to the full satisfaction of the Town Drainage Superintendent or the Consulting Engineer.

The installation of the sloped quarried limestone end protection, unless otherwise specified herein, shall be provided in total compliance with Item 2), 3), and 4) of the **"STANDARD SPECIFICATIONS FOR ACCESS BRIDGE CONSTRUCTION"**. These are attached to the back of these specifications and labelled **Appendix "REI-C"**. The Contractor shall comply in all respects with the General Conditions included in Item 4 and the **"Typical Quarried Limestone End Protection Detail"** also in **Appendix "REI-C"**.

The quarried limestone erosion protection shall be embedded into the sideslopes of the drain a minimum thickness of 305mm and shall be underlain in all cases with non-woven synthetic filter mat. The filter mat shall not only be laid along the flat portion of the erosion protection, but also contoured to the exterior limits of the quarried limestone and the unprotected slope. The width of the erosion protection shall be as established in the accompanying drawings or as otherwise directed by the Town Drainage Superintendent or the Consulting Engineer during construction. In placing the erosion protection, the Contractor shall carefully tamp the quarried limestone pieces into place with the use of the excavator bucket so that the erosion protection when completed will be consistent, uniform and tightly laid. In no instance shall the quarried limestone protrude beyond the exterior contour of the unprotected drain sideslopes along either side of said protection. The synthetic filter mat fabric to be used shall be non-woven geotextile GMN160 conforming to O.P.S.S. 1860 Class I, as available from Armtec Construction Products, or equal. The quarried limestone to be used shall be graded in size from a minimum of 100mm to a maximum of 250mm, and is available from Walker Aggregates Amherst Quarries, in Amherstburg, Ontario, or equal.

## **XII. BENCHMARKS**

Also, for use by the Contractor, we have established Benchmarks along the course of the work and especially at the locations where existing access bridges are being replaced or new bridges are being constructed.

For each of the bridge replacements and new bridges, the plans include details illustrating the work to be carried out. For each bridge detail a Benchmark has been indicated and the Elevation has been shown and may be utilized by the Contractor in carrying out its work. The Contractor shall note that in each case a specific design elevation grade has been provided for the invert at each end of the pipe in the table accompanying each detail. The table also sets out the pipe size, materials, and other requirements relative to the installation of the culvert structure. In all cases, the Contractor is to utilize the specified drain grade to set any new pipe installation. The Contractor shall ensure that it takes note of the direction of flow and sets all pipes to assure that

all grades flow from south to north to match the direction of flow within the drain. The Contractor's attention is drawn to the fact that the pipe invert grades established herein provide for the pipes to be set at least 10% of their diameter or pipe rise below the existing drain bottom or the design grade of the drain, whichever is lower.

### **XIII. ANCILLARY WORK**

During the course of any work to the bridges and enclosures along the length of the project, the Contractor will be required to protect or extend any existing tile ends or swales and connect them to the drainage works to maintain the drainage from the adjacent lands. All existing tiles shall be extended utilizing solid Big 'O' "standard tile ends" or equal plastic pipe of the same diameter as the existing tile and shall be installed in accordance with the "**Standard Lateral Tile Detail**" included in the plans, unless otherwise noted. Connections shall be made using a manufacturer's coupling where possible. Wherever possible, tiles shall be extended to outlet beyond the end of any access culverts. When required, openings into new pipes shall be neatly bored, saw cut or burned with a torch to the satisfaction of the Town Drainage Superintendent or the Consulting Engineer. All cuts to steel pipes shall be touched up with a thick coat of zinc rich paint (Galvicon or equal) in accordance with the manufacturer's recommendations. For other connections, the Contractor shall utilize a grouted connection. Grouted mortar joints shall be composed of three (3) parts of clean, sharp sand to one (1) part of Portland cement with just sufficient water added to provide a stiff plastic mix, and the mortar connection shall be performed to the full satisfaction of the Town Drainage Superintendent or the Consulting Engineer. The mortar joint shall be of a sufficient mass around the full circumference of the joint on the exterior side to ensure a tight, solid seal. The Contractor is to note that any intercepted pipes along the length of the existing culverts and enclosures are to be extended and connected to the open drain unless otherwise noted in the accompanying drawings.

Where the bridge or enclosure installation interferes with the discharge of an existing swale, the Contractor shall re-grade the existing swales to allow for the surface flows to freely enter the drain. Any disturbed grass areas shall be fully restored with topsoil, seed and mulch.

All granular backfill for the bridge and enclosure installations shall be satisfactorily compacted in place to a minimum Standard Proctor Density of 98% by means of mechanical compaction equipment. All other good, clean, native fill material or topsoil to be utilized, where applicable, shall be compacted in place to a minimum Standard Proctor Density of 95%. All of the backfill material, equipment used, and method of compacting the backfill material shall be provided and performed to the full satisfaction of the Town Drainage Superintendent or Consulting Engineer.

Where the Contractor removes concrete or asphalt hard surfaces over the pipes, the Contractor shall restore the hard surfaces as previously outlined. The Contractor will be responsible to restore any damage caused to these driveways at its cost. All damaged hard surface driveway areas shall be neatly saw cut and the damaged materials removed and disposed of by the Contractor prior to carrying out any restoration work.

The new H.D.P.E. pipes or corrugated aluminized steel type II pipes for these installations are to be provided with a minimum depth of cover measured from the top of the pipe of 305mm (12") for a round pipe and 500mm for a pipe arch. If the bridge culvert pipes are placed at their proper elevations, same should be achieved. If the Contractor finds that the minimum cover is not being met, they shall notify the Town Drainage Superintendent and the Consulting Engineer immediately so that steps can be taken to rectify the condition prior to the placement of any backfill. The minimum cover requirement is **critical** and must be attained. In order for these new access bridge culverts to properly fit the channel parameters, **all of the design grade elevations must be strictly adhered to.**

As a check, all of the above access bridge and enclosure culvert design grade elevations should be confirmed before commencing to the next stage of the access bridge or enclosure installation. The Contractor is also to check that the pipe invert grades are correct by referencing the Benchmark.

Although it is anticipated that the culvert installation at each site shall be undertaken in the dry, the Contractor shall supply and install a temporary straw bale or silt curtain check dam in the drain bottom immediately downstream of each culvert site during the time of construction. The straw bale or silt curtain check dam shall be to the satisfaction of the Town Drainage Superintendent or Consulting Engineer and must be removed upon completion of the construction. The check dam materials may be reused at each site subject to their condition. All costs associated with the supply and installation of this straw bale or silt curtain check dam shall be included in the cost bid for the bridge construction or replacements.

#### **XIV. TOPSOIL, SEED AND MULCH**

The Contractor shall be required to restore all existing grassed areas and drain side slopes damaged by the structure replacements, construction or cutting of the drain cross section, by placing topsoil, and then seed and mulch over said areas including any specific areas noted on the bridge details. The Contractor shall be required to provide all the material and to cover the above-mentioned surfaces with approximately 50mm of good, clean, dry topsoil on slopes and 100mm of good, clean, dry topsoil on horizontal surfaces, fine graded and spread in place ready for seeding and mulching. The placing and grading of any topsoil shall be carefully and meticulously carried out in accordance with Ontario Provincial Standard Specifications, Form 802 dated November 2010, or as subsequently amended, or as amended by these specifications and be readied for the seeding and mulching process. The seeding and mulching of all of the above-mentioned areas shall comply in all regards to Ontario Provincial Standard Specifications, Form 803 dated November 2010 and Form 804, dated November 2013, or as subsequently amended, or as amended by these specifications. The seeding mixture shall be the Standard Roadside Mix (Canada No. 1 Lawn Grass Seed Mixture) as set out in O.P.S.S. 804. All cleanup and restoration work shall be performed to the full satisfaction of the Town Drainage Superintendent or Engineer.

When all of the work for this installation has been completed, the Contractor shall ensure that positive drainage is provided to all areas; and shall ensure that the site is left in a neat and workmanlike manner, all to the full satisfaction of the Town Drainage Superintendent or Engineer.

#### **XV. SPECIAL PROVISIONS FOR CONSTRUCTION, REPAIR AND IMPROVEMENTS**

The Contractor shall provide for the construction and improvements to the access bridges and enclosures along the Irwin Drain, for the structures noted, as follows:

##### **Existing Drain**

The Contractor shall completely remove the existing vegetation and any deleterious material that currently exists. The Contractor will then be required to restore the drain cross section at the bridge location to match the upstream and downstream drain cross sections. All disturbed areas shall be restored with topsoil, seed and mulch as set out above.

##### **New Bridge**

The Contractor shall completely remove the existing topsoil and vegetation in the area of the proposed new bridge and clean out the drain bottom. The Contractor will then be required to install the new aluminized steel pipe as set out in the chart forming part of the details for the Hydro One easement bridge on the plans. The Contractor shall install sloped quarried limestone rip rap on filter cloth protection on each end. The Contractor shall protect any tile outlets on the banks at each end of the structure and divert and extend same as necessary to accommodate the new culvert. All work shall be carried out in accordance with these specifications and the requirements in Appendix “REI-C”.

#### **XVI. GENERAL CONDITIONS**

- a) The Town Drainage Superintendent or Consulting Engineer shall have authority to carry out minor changes to the work where such changes do not lessen the efficiency of the work.
- b) The Contractor shall satisfy itself as to the exact location, nature and extent of any existing structure, utility or other object which it may encounter during the course of the work. The Contractor shall indemnify and save harmless the County of Essex, Town of Kingsville and the Consulting Engineer and their representatives for any damages which it may cause or sustain during the progress of the work. It shall not hold the County of Essex, Town of Kingsville or the Consulting Engineer liable for any legal action arising out of any claims brought about by such damage caused by it.

- c) The Contractor shall provide a sufficient number of layout stakes and grade points so that the Drainage Superintendent and Consulting Engineer can review same and check that the work will generally conform to the design and project intent.
- d) The Contractor will be responsible for any damage caused by it to any portion of the Town road system, especially to the travelled portion. When excavation work is being carried out and the excavation equipment is placed on the travelled portion of the road, the travelled portion shall be protected by having the excavation equipment placed on satisfactory timber planks or timber pads. If any part of the travelled portion of the road is damaged by the Contractor, the Town shall have the right to have the necessary repair work done by its' employees and the cost of all labour and materials used to carry out the repair work shall be deducted from the Contractor's contract and credited to the Town. The Contractor, upon completing the works, shall clean all debris and junk, etcetera, from the roadside of the drain, and leave the site in a neat and workmanlike manner. The Contractor shall be responsible for keeping all public roadways utilized for hauling materials free and clear of mud and debris.
- e) The Contractor shall provide all necessary lights, signs, and barricades to protect the public. All work shall be carried out in accordance with the requirements of the Occupational Health and Safety Act, and latest amendments thereto. If traffic control is required on this project, signing is to comply with the M.T.O. Manual of Uniform Traffic Control Devices (M.U.T.C.D.) for Roadway Work Operations and Ontario Traffic Manual Book 7.
- f) During the course of the work the Contractor shall be required to connect existing drainage pipes to the Municipal Drain. In the event that polluted flows are discovered, the Contractor shall delay the connection of the pipe and leave the end exposed and alert the Town, the Drainage Superintendent and the Consulting Engineer so that steps can be taken by the Town to address the concern with the owner and the appropriate authorities. Where necessary the Contractor shall cooperate with the Town in providing temporary measures to divert the drain or safely barricade same. Should the connection be found acceptable by the authorities, the Contractor shall complete the connection of the drain as provided for in the specifications, at no extra cost to the project.
- g) Following the completion of the work, the Contractor is to trim up any broken or damaged limbs on trees which are to remain standing, and it shall dispose of said branches along with other brush, thus leaving the trees in a neat and tidy condition.
- h) The whole of the work shall be satisfactorily cleaned up, and during the course of the construction, no work shall be left in any untidy or incomplete state before subsequent portions are undertaken.
- i) During the course of the project the Contractor shall deal with any excess soil management from the project in accordance with Ontario Reg 406/19 pursuant to the Environmental Protection Act, R.S.O. 1990, c. E.19 and any subsequent amendments to same.

- j) All driveways, laneways and access bridges, or any other means of access on to the job site shall be fully restored to their former condition at the Contractor's expense. Before authorizing Final Payment, the Town Drainage Superintendent and the Consulting Engineer shall inspect the work in order to be sure that the proper restoration has been performed. In the event that the Contractor fails to satisfactorily clean up any portion of these accesses, the Consulting Engineer shall order such cleanup to be carried out by others and the cost of same be deducted from any monies owing to the Contractor.
- k) The Contractor will be required to submit to the Town, a Certificate of Good Standing from the Workplace Safety and Insurance Board prior to the commencement of the work and the Contractor will be required to submit to the Town, a Certificate of Clearance for the project from the Workplace Safety and Insurance Board before Final Payment is made to the Contractor.
- l) The Contractor shall furnish a Performance and Maintenance Bond along with a separate Labour and Material Payment Bond within ten (10) days after notification of the execution of the Agreement by the Town. One copy of said bonds shall be bound into each of the executed sets of the Contract. Each Performance and Maintenance Bond and Labour and Material Payment Bond shall be in the amount of 100% of the total Tender Price. All Bonds shall be executed under corporate seal by the Contractor and a surety company, authorized by law to carry out business in the Province of Ontario. The Bonds shall be acceptable to the Town in every way and shall guarantee faithful performance of the contract during the period of the contract, including the period of guaranteed maintenance which will be in effect for twelve (12) months after substantial completion of the works.

The Tenderer shall include the cost of bonds in the unit price of the Tender items as no additional payment will be made in this regard.

- m) The Contractor shall be required, as part of this Contract, to provide Comprehensive Liability Insurance coverage for not less than \$5,000,000.00 on this project; and shall name the County of Essex, Town of Kingsville and its' officials and the Consulting Engineer and their staff as additional insured under the policy. The Contractor must submit a copy of this policy to both the Town Clerk and the Consulting Engineer prior to the commencement of work.
- n) Monthly progress orders for payment shall be furnished the Contractor by the Town Drainage Superintendent. Said orders shall be for not more than 90% of the value of the work done and the materials furnished on the site. The paying of the full 90% does not imply that any portion of the work has been accepted. The remaining 10% will be paid 60 days after the final acceptance and completion of the work and payment shall not be authorized until the Contractor provides the following:
  - i) a Certificate of Clearance for the project from the Workplace Safety and Insurance Board

- ii) proof of advertising
- iii) a Statutory Declaration, in a form satisfactory to the Engineer and the Town, that all liabilities incurred by the Contractor and its Sub-Contractors in carrying out the Contract have been discharged and that all liens in respect of the Contract and Sub-Contracts thereunder have expired or have been satisfied, discharged or provided for by payment into Court.

The Contractor shall satisfy the Consulting Engineer or Town that there are no liens or claims against the work and that all of the requirements as per the Construction Act, 2018 and its' subsequent amendments have been adhered to by the Contractor.

- o) In the event that the Specifications, Information to Tenderers, or the Form of Agreement do not apply to a specific condition or circumstance with respect to this project, the applicable section or sections from the Canadian Construction Documents Committee C.C.D.C.2 shall govern and be used to establish the requirements of the work.
- p) Should extra work be required by the Town Drainage Superintendent or Consulting Engineer, and it is done on a time and material basis, the actual cost of the work will be paid to the Contractor with a 15% markup on the total actual cost of labour, equipment and materials needed to complete the extra work.
- q) The Contractor shall provide shop drawings of the proposed wall for decorative precast concrete block headwalls for approval by the Drainage Superintendent or Engineer prior to construction.



## APPENDIX "REI-A"



## **STANDARD E.R.C.A. AND D.F.O.**

### **MITIGATION REQUIREMENTS**

As part of its work, the Contractor will implement the following measures that will ensure that any potential adverse effects on fish and fish habitat will be mitigated:

1. As per standard requirements, work will not be conducted at times when flows in the drain are elevated due to local rain events, storms, or seasonal floods. Work will be done in the dry.
2. All disturbed soils on the drain banks and within the channel, including spoil, must be stabilized immediately upon completion of work. The restoration of the site must be completed to a like or better condition to what existed prior to the works. The spoil material must be hauled away and disposed of at a suitable site, or spread an appropriate distance from the top of the drain bank to ensure that it is not washed back into the drain.
3. To prevent sediment entry into the drain in the event of an unexpected rainfall, silt barriers and/or traps must be placed in the channel during the works and until the site has been stabilized. All sediment and erosion control measures are to be in accordance with the related Ontario Provincial Standards. It is incumbent on the proponent and Contractors to ensure that sediment and erosion control measures are functioning properly and maintained/upgraded as required.
4. Silt or sand accumulated in the barrier traps must be removed and stabilized on land once the site is stabilized.
5. All activities including maintenance procedures should be controlled to prevent the entry of petroleum products, debris, rubble, concrete, or other deleterious substances into the water. Vehicular refuelling and maintenance should be conducted away from the water.
6. Any drain banks trimmed outside of the July 1st to September 15th timing window will require bio-degradable erosion control blankets to be installed to promote re-vegetation and to protect the slope from erosion in the interim.



# Measures to Avoid Causing Harm to Fish and Fish Habitat

If you are conducting a project near water, it is your responsibility to ensure you avoid causing [serious harm to fish](#) in compliance with the *Fisheries Act*. The following advice will help you avoid causing harm and comply with the *Act*.

**PLEASE NOTE:** This advice applies to all project types and replaces all “Operational Statements” previously produced by DFO for different project types in all regions.

## Measures

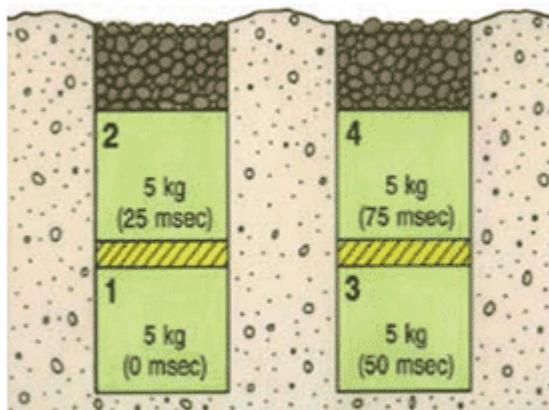
- Time work in water to respect [timing windows](#) to protect fish, including their eggs, juveniles, spawning adults and/or the organisms upon which they feed.
- Minimize duration of in-water work.
- Conduct instream work during periods of low flow, or at low tide, to further reduce the risk to fish and their habitat or to allow work in water to be isolated from flows.
- Schedule work to avoid wet, windy and rainy periods that may increase erosion and sedimentation.
- Design and plan activities and works in waterbody such that loss or disturbance to aquatic habitat is minimized and sensitive spawning habitats are avoided.
- Design and construct approaches to the waterbody such that they are perpendicular to the watercourse to minimize loss or disturbance to riparian vegetation.
- Avoid building structures on meander bends, braided streams, alluvial fans, active floodplains or any other area that is inherently unstable and may result in erosion and scouring of the stream bed or the built structures.
- Undertake all instream activities in isolation of open or flowing water to maintain the natural flow of water downstream and avoid introducing sediment into the watercourse.
- Plan activities near water such that materials such as paint, primers, blasting abrasives, rust solvents, degreasers, grout, or other chemicals do not enter the watercourse.
- Develop a response plan that is to be implemented immediately in the event of a sediment release or spill of a deleterious substance and keep an emergency spill kit on site.
- Ensure that building material used in a watercourse has been handled and treated in a manner to prevent the release or leaching of substances into the water that may be deleterious to fish.

- Develop and implement an Erosion and Sediment Control Plan for the site that minimizes risk of sedimentation of the waterbody during all phases of the project. Erosion and sediment control measures should be maintained until all disturbed ground has been permanently stabilized, suspended sediment has resettled to the bed of the waterbody or settling basin and runoff water is clear. The plan should, where applicable, include:
  - Installation of effective erosion and sediment control measures before starting work to prevent sediment from entering the water body.
  - Measures for managing water flowing onto the site, as well as water being pumped/diverted from the site such that sediment is filtered out prior to the water entering a waterbody. For example, pumping/diversion of water to a vegetated area, construction of a settling basin or other filtration system.
  - Site isolation measures (e.g., silt boom or silt curtain) for containing suspended sediment where in-water work is required (e.g., dredging, underwater cable installation).
  - Measures for containing and stabilizing waste material (e.g., dredging spoils, construction waste and materials, commercial logging waste, uprooted or cut aquatic plants, accumulated debris) above the high water mark of nearby waterbodies to prevent re-entry.
  - Regular inspection and maintenance of erosion and sediment control measures and structures during the course of construction.
  - Repairs to erosion and sediment control measures and structures if damage occurs.
  - Removal of non-biodegradable erosion and sediment control materials once site is stabilized.
- Clearing of riparian vegetation should be kept to a minimum: use existing trails, roads or cut lines wherever possible to avoid disturbance to the riparian vegetation and prevent soil compaction. When practicable, prune or top the vegetation instead of grubbing/uprooting.
- Minimize the removal of natural woody debris, rocks, sand or other materials from the banks, the shoreline or the bed of the waterbody below the ordinary high water mark. If material is removed from the waterbody, set it aside and return it to the original location once construction activities are completed.
- Immediately stabilize shoreline or banks disturbed by any activity associated with the project to prevent erosion and/or sedimentation, preferably through re-vegetation with native species suitable for the site.
- Restore bed and banks of the waterbody to their original contour and gradient; if the original gradient cannot be restored due to instability, a stable gradient that does not obstruct fish passage should be restored.
- If replacement rock reinforcement/armouring is required to stabilize eroding or exposed areas, then ensure that appropriately-sized, clean rock is used; and that rock is installed at a similar slope to maintain a uniform bank/shoreline and natural stream/shoreline alignment.
- Remove all construction materials from site upon project completion.

- Ensure that all in-water activities, or associated in-water structures, do not interfere with fish passage, constrict the channel width, or reduce flows.
- Retain a qualified environmental professional to ensure applicable permits for relocating fish are obtained and to capture any fish trapped within an isolated/enclosed area at the work site and safely relocate them to an appropriate location in the same waters. Fish may need to be relocated again, should flooding occur on the site.
- Screen any water intakes or outlet pipes to prevent entrainment or impingement of fish. Entrainment occurs when a fish is drawn into a water intake and cannot escape. Impingement occurs when an entrapped fish is held in contact with the intake screen and is unable to free itself.
  - In freshwater, follow these measures for design and installation of intake end of pipe fish screens to protect fish where water is extracted from fish-bearing waters:
    - Screens should be located in areas and depths of water with low concentrations of fish throughout the year.
    - Screens should be located away from natural or artificial structures that may attract fish that are migrating, spawning, or in rearing habitat.
    - The screen face should be oriented in the same direction as the flow.
    - Ensure openings in the guides and seals are less than the opening criteria to make “fish tight”.
    - Screens should be located a minimum of 300 mm (12 in.) above the bottom of the watercourse to prevent entrainment of sediment and aquatic organisms associated with the bottom area.
    - Structural support should be provided to the screen panels to prevent sagging and collapse of the screen.
    - Large cylindrical and box-type screens should have a manifold installed in them to ensure even water velocity distribution across the screen surface. The ends of the structure should be made out of solid materials and the end of the manifold capped.
    - Heavier cages or trash racks can be fabricated out of bar or grating to protect the finer fish screen, especially where there is debris loading (woody material, leaves, algae mats, etc.). A 150 mm (6 in.) spacing between bars is typical.
    - Provision should be made for the removal, inspection, and cleaning of screens.
    - Ensure regular maintenance and repair of cleaning apparatus, seals, and screens is carried out to prevent debris-fouling and impingement of fish.
    - Pumps should be shut down when fish screens are removed for inspection and cleaning.
- Avoid using explosives in or near water. Use of explosives in or near water produces shock waves that can damage a fish swim bladder and rupture internal organs. Blasting vibrations may also kill or damage fish eggs or larvae.
  - If explosives are required as part of a project (e.g., removal of structures such as piers, pilings, footings; removal of obstructions such as beaver dams; or preparation of a river or lake bottom for installation of a structure such as a dam or water intake), the potential for impacts to fish and fish habitat should be minimized by implementing the following measures:

- Time in-water work requiring the use of explosives to prevent disruption of vulnerable fish life stages, including eggs and larvae, by adhering to appropriate fisheries [timing windows](#).
- Isolate the work site to exclude fish from within the blast area by using bubble/air curtains (i.e., a column of bubbled water extending from the substrate to the water surface as generated by forcing large volumes of air through a perforated pipe/hose), cofferdams or aquadams.
- Remove any fish trapped within the isolated area and release unharmed beyond the blast area prior to initiating blasting
- Minimize blast charge weights used and subdivide each charge into a series of smaller charges in blast holes (i.e., decking) with a minimum 25 millisecond (1/1000 seconds) delay between charge detonations (see Figure 1).
- Back-fill blast holes (stemmed) with sand or gravel to grade or to streambed/water interface to confine the blast.
- Place blasting mats over top of holes to minimize scattering of blast debris around the area.
- Do not use ammonium nitrate based explosives in or near water due to the production of toxic by-products.
- Remove all blasting debris and other associated equipment/products from the blast area.

**Figure 1: Sample Blasting Arrangement**



Per Fig. 1: 20 kg total weight of charge; 25 msec delay between charges and blast holes; and decking of charges within holes.

- Ensure that machinery arrives on site in a clean condition and is maintained free of fluid leaks, invasive species and noxious weeds.

- Whenever possible, operate machinery on land above the high water mark, on ice, or from a floating barge in a manner that minimizes disturbance to the banks and bed of the waterbody.
- Limit machinery fording of the watercourse to a one-time event (i.e., over and back), and only if no alternative crossing method is available. If repeated crossings of the watercourse are required, construct a temporary crossing structure.
- Use temporary crossing structures or other practices to cross streams or waterbodies with steep and highly erodible (e.g., dominated by organic materials and silts) banks and beds. For fording equipment without a temporary crossing structure, use stream bank and bed protection methods (e.g., swamp mats, pads) if minor rutting is likely to occur during fording.
- Wash, refuel and service machinery and store fuel and other materials for the machinery in such a way as to prevent any deleterious substances from entering the water.

Date modified:

2013-11-25



## APPENDIX "REI-B"



## SCHEDULE C

### MITIGATION PLAN

The Municipality shall undertake measures to minimize adverse effects on species at risk in accordance with the general conditions described in Part B and taxa-specific conditions described in Part C, and the monitoring and reporting requirements described in Part D of this Mitigation Plan.

#### **PART A. DEFINITIONS**

##### **1. Definitions:**

1.1. In this Schedule, the following words shall have the following meanings:

"DFO" means Fisheries and Oceans Canada;

"MNR" means the Aylmer District Office of the Ministry of Natural Resources;

"Contact" means to contact the MNR in accordance with the notification/contact schedule provided to the Municipality by the MNR Designated Representative from time to time;

"Holding Tub" means a large, light-coloured container fitted with a non-airtight latching lid approved by the MNR for the temporary storage of captured snakes, turtles, amphibians, birds or eggs;

"Interagency Notification Form" means the form issued by DFO, available at [www.dfo-mpo.gc.ca](http://www.dfo-mpo.gc.ca), which is required to be completed when a drain is being maintained or constructed;

"Monitoring and Reporting Form" means the document that must be completed by the Municipality in accordance with Part D to this Schedule and will be provided to the Municipality;

"Ontario Operational Statement" means one of the documents issued by DFO, available at [www.dfo-mpo.gc.ca](http://www.dfo-mpo.gc.ca), that sets out the conditions and measures to be incorporated into a project in order to avoid negative impacts to fish and fish habitat in Ontario, as modified from time to time;

"Process Charts" means the charts attached as Part E to this Schedule which describe the steps set out in this Mitigation Plan;

"Seasonal Timing Windows Chart" means the chart attached as Part G to this schedule which describes the Sensitive Periods applicable to each Taxonomic Group;

"Sensitive Area" means a geographic area in the Municipality where additional mitigation measures are required to be undertaken for one or more Taxonomic Groups;

"Sensitive Areas Map" means any one of the maps attached as Part F to this schedule which sets out the applicable Sensitive Areas;

"Sensitive Period" means a time of year set out in the Seasonal Timing Windows Chart during which taxa-specific mitigation measures are required to be undertaken for a Taxonomic Group because of ambient air/water temperatures, water-levels or important life-history stages;

"Taxonomic Group" means the distinct group comprising one or more Species based on their taxonomic relationship and common approaches to mitigating adverse effects (i.e., fish, mussels, turtles, snakes, amphibians, birds or plants); and

"Work Zone" means the geographic area in the Municipality where an Activity in respect of one of the Drainage Works is being conducted.

- 1.2. For greater certainty, any defined terms that are not defined in section 1.1 have the same meanings as in the Agreement.

## **PART B. GENERAL MEASURES TO MINIMIZE ADVERSE EFFECTS**

### **2. Process Charts**

- 2.1. The general steps set out in this Part B are visually described in the Process Charts (Part E).

### **3. Review of Documentation**

- 3.1. Prior to conducting any Activities in respect of the Drainage Works the Municipality shall determine if conditions apply to the place, time or manner in which the Municipality wishes to pursue them by reviewing:

- (a) the Sensitive Areas Maps (Part F) to determine if the Work Zone for the proposed Activities will occur within a Sensitive Area;
- (b) the DFO Reference Guide for Fish and Mussel Species at Risk Distribution Maps: A Referral Review Tool for Projects Affecting Aquatic Species at Risk;
- (c) the Seasonal Timing Windows Chart (Part G) to determine if the proposed Activities will occur during a Sensitive Period for one or more of the Taxonomic Groups; and
- (d) the Process Charts to determine if prior notification is required;
- (e) the mitigation measures for each applicable Taxonomic Group in Part C to determine what additional site-specific mitigation measures, if any, are required.

- 3.2. The Municipality shall document the results of the review undertaken in accordance with section 3.1 using the Monitoring and Reporting Form.

### **4. Sensitive Areas Maps**

- 4.1. The Sensitive Areas Maps contain sensitive information about the distribution of species at risk, are provided for the sole purpose of informing this Agreement and are not to be copied or distributed for any other purposes or to any other party without the prior written authorization of the MNR Designated Representative.

### **5. Prior Notification to Seek Direction**

- 5.1. If, after completing the review of documents described in section 3.1, the Municipality determines that the proposed Activities will be undertaken:

- (a) in a place;
- (b) at a time; or
- (c) in a manner,

that requires prior notification in accordance with the Process Charts, the Municipality shall provide prior notification to the MNR in order for the MNR to determine if the Municipality must undertake additional site-specific or Species-specific mitigation

measures to minimize adverse effects on the Species and, if applicable, to identify such measures.

- 5.2. The prior notification under section 5.1 shall include a completed Interagency Notification Form:
  - (a) in respect of maintenance/repair where the proposed Activities are being undertaken pursuant to subsection 3(18) or section 74 of the *Drainage Act*; or
  - (b) in respect of construction/improvement where the proposed Activities are being undertaken pursuant to section 77 or 78 of the *Drainage Act*.
- 5.3. Where an Activity is undertaken in accordance with section 124 of the *Drainage Act* and would otherwise have required prior notification under section 5.1, the Municipality shall Contact the MNR by email prior to the commencement of the Activity, and complete and submit the applicable Interagency Notification Form within one week of the Activity's completion, unless otherwise directed in writing by the MNR Designated Representative.

## **6. General Mitigation Measures**

- 6.1. Notwithstanding that prior notification or additional mitigation measures may be required in accordance with this schedule, in undertaking any Activity at any time in respect of the Drainage Works the Municipality shall:
  - (a) undertake the mitigation measures for sediment control and for erosion control and bank stabilization set out in The Drain Primer (Cliff Evanitski 2008) published by DFO (ISBN 978-0-662-48027-3), unless otherwise authorized in writing by the MNR Designated Representative;
  - (b) use net free, 100% biodegradable erosion control blanket for all erosion control or bank stabilization done in conjunction with their Activities or, if authorized in writing by the MNR Designated Representative, alternative erosion control blankets that provide equal or greater protection to individual Species; and
  - (c) where applicable, follow the guidelines set out in the following Ontario Operational Statements:
    - (i) Beaver Dam Removal;
    - (ii) Bridge Maintenance;
    - (iii) Culvert Maintenance;
    - (iv) Isolated Pond Construction;
    - (v) Maintenance of Riparian Vegetation in Existing Right of Ways; and
    - (vi) Temporary Stream Crossing.

## **PART C. TAXA-SPECIFIC MEASURES TO MINIMIZE ADVERSE EFFECTS**

### **ADDITIONAL MITIGATION MEASURES FOR FISH SPECIES**

#### **7. Activities undertaken in Sensitive Areas for Fish**

- 7.1. Subject to section 7.2, where a proposed Activity will occur in a Sensitive Area for a fish Species, the Municipality shall contact the MNR to seek further direction.
- 7.2. Section 7.1 does not apply where the applicable Drainage Works are:
  - (a) in a naturally dry condition;
  - (b) classified as a Class F drain under DFO's *Class Authorization System for the Maintenance of Agricultural Municipal Drains in Ontario* (ISBN 0-662-72748-7); or
  - (c) a closed drain.

### **ADDITIONAL MITIGATION MEASURES FOR MUSSEL SPECIES**

#### **8. Activities undertaken in Sensitive Areas for Mussels**

- 8.1. Subject to section 8.2, where a proposed Activity will occur in a Sensitive Area for a mussel Species, the Municipality shall contact the MNR to seek further direction.
- 8.2. Section 8.1 does not apply where the applicable Drainage Works are:
  - (a) in a naturally dry condition;
  - (b) classified as a Class F drain in DFO's *Class Authorization System for the Maintenance of Agricultural Municipal Drains in Ontario* (ISBN 0-662-72748-7); or
  - (c) a closed drain.

### **ADDITIONAL MITIGATION MEASURES FOR TURTLE SPECIES**

#### **9. Training and Required On Site Materials for Turtles**

- 9.1. The Municipality will ensure any person:
  - (a) involved in the capture, temporary holding, transfer and release of any turtle Species has received training in proper turtle handling procedures; and
  - (b) who undertakes an Activity has a minimum of two Holding Tubs and cotton sacks on site at all times.

#### **10. Activities undertaken in Sensitive Areas and Sensitive Periods for Turtles**

- 10.1. Subject to section 10.2, where a proposed Activity will occur in a Sensitive Area for any turtle Species and during a Sensitive Period for that Species, the Municipality shall:
  - (a) not undertake any Activities that include the excavation of sediment or disturbance to banks during the applicable Sensitive Period unless otherwise authorized;
  - (b) undertake Activities in accordance with any additional site-specific measures provided in writing by the MNR Designated Representative;
  - (c) avoid draw-down and de-watering of the Sensitive Area during the applicable Sensitive Period; and

- (d) if authorized by the MNR Designated Representative under (a) above to undertake Activities that include excavation of sediment or disturbance of banks, in addition to any other measures required under (b) above, ensure any person undertaking an Activity has at least two Holding Tubs on site at all times.

10.2. Section 10.1 does not apply where the applicable Drainage Works are:

- (a) in a naturally dry condition;
- (b) classified as a Class F drain in DFO's *Class Authorization System for the Maintenance of Agricultural Municipal Drains in Ontario* (ISBN 0-662-72748-7); or
- (c) a closed drain.

## 11. Measures for Encounters with Turtles During a Sensitive Period

11.1. Where one or more individuals belonging to a turtle Species is encountered in the undertaking of an Activity in any part of a Work Zone (including, but not limited to, a Sensitive Area) during a Sensitive Period for that Species, the Municipality shall:

- (a) capture and transfer all uninjured individuals of that Species into a Holding Tub;
- (b) capture and transfer all individuals injured as a result of the Activities into a Holding Tub separate from any Holding Tub containing uninjured individuals;
- (c) ensure that the Holding Tubs with the captured individuals are stored at a cool temperature to prevent freezing until the individuals can be transferred; and
- (d) immediately Contact the MNR to seek direction and to arrange for the transfer of the individual turtles.

## 12. Measures for Encounters with Turtles Laying Eggs or Nest Sites

12.1. Where one or more individuals belonging to a turtle Species laying eggs, or an active nest site of any turtle Species, is encountered in undertaking an Activity in a Work Zone, the Municipality shall:

- (a) not disturb a turtle encountered laying eggs and not conduct any Activities within 20 metres of the turtle while it is laying eggs;
- (b) collect any displaced or damaged eggs and capture any injured dispersing juveniles and transfer them to a Holding Tub;
- (c) store all captured injured individuals and collected eggs out of direct sunlight;
- (d) immediately Contact the MNR to seek direction and to arrange for the transfer of any injured individuals and eggs;
- (e) immediately stop any disturbance to the nest site and recover exposed portions with soil or organic material to protect the integrity of the remaining individuals;
- (f) not drive any equipment over the nest site or conduct any Activities within 5 metres of the nest site;
- (g) not place any dredged materials removed from the Drainage Works on top of the nest site;
- (h) mark out the physical location of the nest site for the duration of the project but not by any means that might increase the susceptibility of the nest to predation or poaching; and
- (i) where there are no collected eggs or captured individuals, record relevant information and Contact the MNR within 72 hours to provide information on the location of the nest site.

### **13. Measures for Encounters with Turtles Outside of a Sensitive Period**

13.1. Where one or more individuals belonging to a turtle Species is encountered while undertaking an Activity in any part of a Work Zone (including, but not limited to, a Sensitive Area) but outside of any Sensitive Period for that Species, the Municipality shall:

- (a) briefly stop the Activity for a reasonable period of time to allow any uninjured individual turtles of that Species to leave the Work Zone;
- (b) where individuals do not leave the Work Zone after the Activity is briefly stopped in accordance with (a) above, capture all uninjured individuals and release them in accordance with section 14.1;
- (c) where circumstances do not allow for their immediate release, transfer captured uninjured individuals for a maximum of 24 hours into a Holding Tub which shall be stored out of direct sunlight and then release them in accordance with section 14.1;
- (d) capture and transfer any individuals that have been injured into a Holding Tub separate from any Holding Tub containing uninjured individuals; and
- (e) store all captured injured individuals out of direct sunlight and immediately Contact the MNR to seek direction and to arrange for their transfer.

### **14. Release of Captured Individuals Outside of a Sensitive Period**

14.1. Where uninjured individuals are captured under section 13.1, they shall be released:

- (a) within 24 hours of capture;
- (b) in an area immediately adjacent to the Drainage Works;
- (c) in an area that will not be further impacted by the undertaking of any Activity; and
- (d) not more than 250 metres from the capture site.

14.2. Following a release under section 14.1, the Municipality shall Contact the MNR within 72 hours of the release to provide information on the name of the Drainage Works, the location of the encounter and the location of the release site.

### **15. Measures for Dead Turtles**

15.1. Where one or more individuals of a turtle Species is killed as a result of an Activity in a Work Zone, or if a person undertaking an Activity finds a deceased individual of a turtle Species within the Work Zone, the Municipality shall:

- (a) place any dead turtles in a Holding Tub outside of direct sunlight; and
- (b) Contact the MNR within 72 hours to seek direction and to arrange for the transfer of the dead individuals.

### **ADDITIONAL MITIGATION MEASURES FOR SNAKE SPECIES**

#### **16. Training and Required On Site Materials for Snakes**

16.1. The Municipality will ensure any person:

- (a) involved in the capture, temporary holding, transfer and release of any snake Species has received training in proper snake handling procedures; and
- (b) who undertakes an Activity has a minimum of two Holding Tubs and cotton sacks on site at all times.

## **17. Activities undertaken in Sensitive Areas and Sensitive Periods for Snakes**

- 17.1. Where a proposed Activity involves physical infrastructure (e.g., culverts, pump houses, etc.) and will occur in a Sensitive Area for any snake Species and during a *Sensitive Period – Hibernation* for that Species, the Municipality shall undertake the Activity outside of the Sensitive Period, unless otherwise authorized by and in accordance with any site-specific measures provided in writing by the MNR Designated Representative.
- 17.2. Where a proposed Activity will occur at or adjacent to a known hibernacula (as identified by the MNR) for any snake Species and during a *Sensitive Period – Staging* for that Species, the Municipality shall:
  - (a) erect effective temporary snake barriers approved by the MNR that will not pose a risk of entanglement for snakes and that shall be secured so that individual snakes may not pass over or under the barrier or between any openings to enter or re-enter the Work Zone;
  - (b) inspect the temporary snake barriers daily during periods when snakes are active, capture any individuals incidentally encountered within the area bounded by the snake barrier and release the captured individuals in accordance with section 21.1; and
  - (c) remove the temporary snake barriers immediately upon completion of the Activity.
- 17.3. Where a proposed Activity that does not involve physical infrastructure will occur in a Sensitive Area for any snake Species and during a *Sensitive Period – Staging* for that Species, the Municipality shall undertake the Activity outside of the Sensitive Period, unless otherwise authorized by and in accordance with any site-specific measures provided in writing by the MNR Designated Representative.

## **18. Measures for Encounters with Snakes During a Sensitive Period**

- 18.1. Where one or more individuals belonging to a snake Species is encountered, or should an active hibernacula be uncovered, while conducting an Activity in any part of a Work Zone (including, but not limited to, a Sensitive Area) during a Sensitive Period for that Species, the Municipality shall:
  - (a) capture and transfer all injured and uninjured individual snakes of that Species into individual light-coloured, drawstring cotton sacks;
  - (b) place all cotton sacks filled with the captured individuals into a Holding Tub;
  - (c) ensure that the Holding Tub with the captured individuals is stored at a cool temperature to protect the snakes from freezing until the individuals can be retrieved or transferred;
  - (d) if an active hibernacula is uncovered, cease all Activities at the hibernacula site; and
  - (e) immediately Contact the MNR to seek direction and to arrange for the transfer and/or retrieval.

## **19. Measures for Encounters with Snake Nests**

- 19.1. Where an active nest of any of the snake Species is encountered and disturbed while undertaking an Activity in any part of a Work Zone, the Municipality shall:
  - (a) collect any displaced or damaged eggs and transfer them to a Holding Tub;
  - (b) capture and transfer all injured dispersing juveniles of that Species into a light-coloured drawstring cotton sack;
  - (c) place all cotton sacks with the captured injured individuals into a Holding Tub;

- (d) ensure that the Holding Tub with the captured injured individuals is stored out of direct sunlight;
- (e) immediately Contact the MNR to seek direction and to arrange for the transfer of the injured individuals;
- (f) immediately stop any disturbance to the nest site and loosely cover exposed portions with soil or organic material to protect the integrity of the remaining individuals;
- (g) not drive any equipment over the nest site or conduct any Activities within 5 metres of the nest site;
- (h) not place any dredged materials removed from the Drainage Works on top of the nest site;
- (i) mark out the physical location of the nest site but not by any means that might increase the susceptibility of the nest to predation or poaching; and
- (j) where there are no collected eggs or captured individuals, Contact the MNR within 72 hours to provide information on the location of the nest site.

## **20. Measures for Encounters with Snakes Outside of a Sensitive Period**

- 20.1. Where one or more individuals belonging to a snake Species is encountered while undertaking an Activity in any part of a Work Zone (including, but not limited to, a Sensitive Area) but outside of any Sensitive Period for that Species, the Municipality shall:
  - (a) follow the requirements in section 16;
  - (b) briefly stop the Activity for a reasonable period of time to allow any uninjured individual snakes of that Species to leave the Work Zone;
  - (c) if the individuals do not leave the Work Zone after the Activity is briefly stopped in accordance with (b) above, capture all uninjured individuals and release them in accordance with section 21.1;
  - (d) where circumstances do not allow for the immediate release of captured uninjured individuals, they may be transferred into individual, light-coloured, drawstring cotton sacks before placing them in a Holding Tub which shall be stored out of direct sunlight for a maximum of 24 hours before releasing them in accordance with section 21.1;
  - (e) capture and transfer any individuals injured as a result of conducting the Activities into a Holding Tub separate from any Holding Tub containing uninjured individuals; and
  - (f) store all captured injured individuals out of direct sunlight and immediately Contact the MNR to seek direction and to arrange for their transfer.

## **21. Release of Captured Individuals Outside of a Sensitive Period**

- 21.1. Where uninjured individuals are captured under section 20.1, they shall be released:
  - (a) within 24 hours of capture;
  - (b) in an area immediately adjacent to the Drainage Works where there is natural vegetation cover;
  - (c) in an area that will not be further impacted by the undertaking of any Activity; and
  - (d) not more than 250 metres from the capture site.

21.2. Following a release under section 21.1, the Municipality shall Contact the MNR within 72 hours of the release to provide information on the name of the Drainage Works, the location of the encounter and the location of the release site.

## 22. Measures for Dead Snakes

22.1. Where one or more individuals belonging to a snake Species is killed as a result of an Activity in a Work Zone, or if a person undertaking an Activity finds a deceased individual of a snake Species within the Work Zone, the Municipality shall:

- (a) collect and transfer any dead individuals into a Holding Tub outside of direct sunlight; and
- (b) Contact the MNR within 72 hours to seek direction and to arrange for the transfer of the carcasses of the dead individuals.

## ADDITIONAL MITIGATION MEASURES FOR HERBACEOUS PLANTS

### 23. Activities Undertaken in Sensitive Areas for Herbaceous Plants

23.1. Where a proposed Activity will occur that involves physical disturbance to vegetated banks or the killing and/or removal of vegetation through chemical or mechanical means in a Sensitive Area for any herbaceous plant Species, the Municipality shall:

- (a) undertake the Activity outside of the Sensitive Period, unless otherwise authorized;
- (b) limit equipment access and operations to the side of the Drainage Works that will minimize disturbances where any of the plant Species occur;
- (c) locate temporary storage sites for excavated sediments or bank materials on areas of open soil away from where any of the plant Species are likely to occur;
- (d) not use any broad spectrum herbicides in Sensitive Areas; and
- (e) undertake Activities in accordance with any additional site-specific measures provided in writing by the MNR Designated Representative.

## ADDITIONAL MITIGATION MEASURES FOR TREE SPECIES

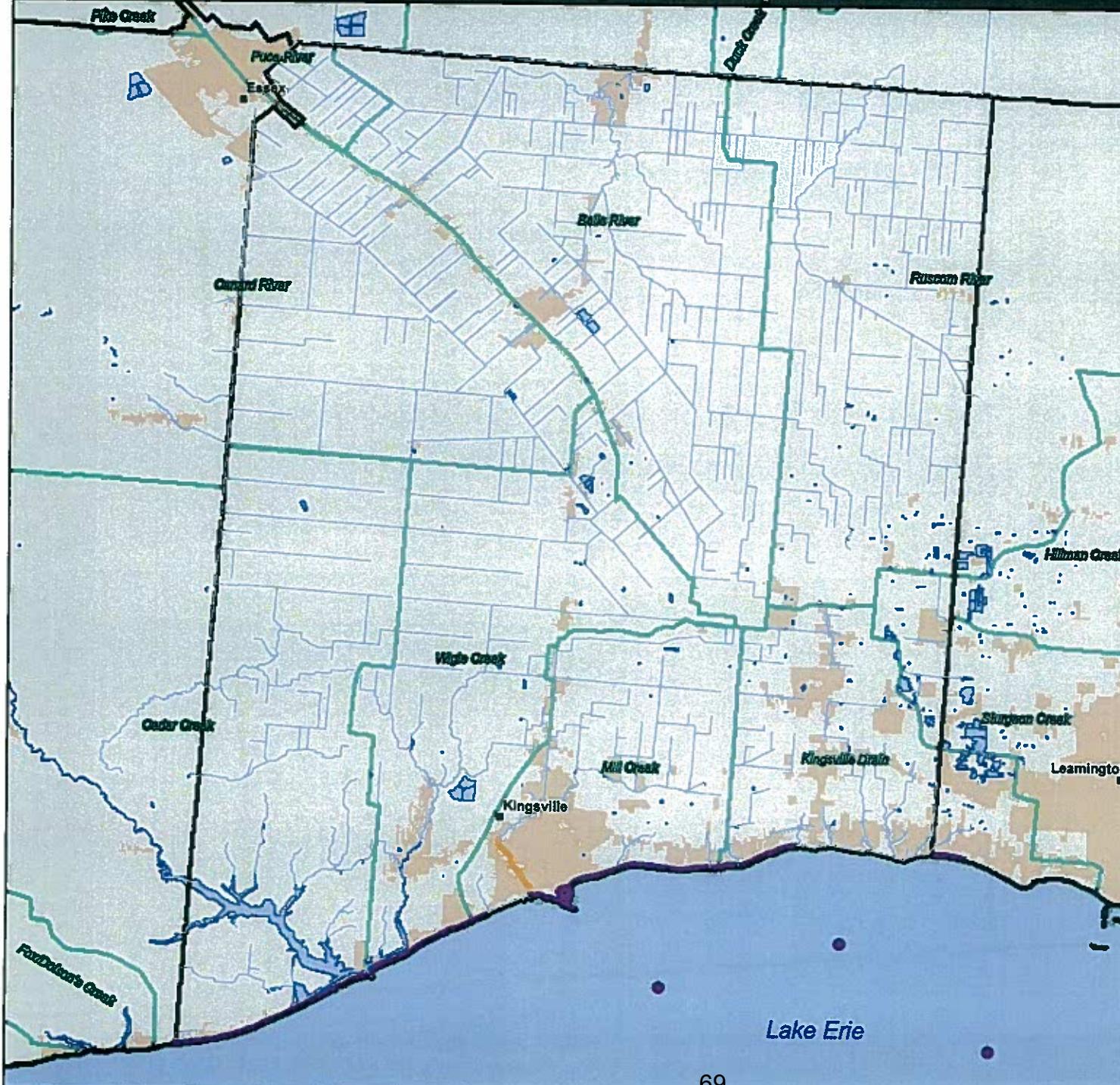
### 24. Additional Measures for Butternut

24.1. Where Butternuts may exist in a Work Zone and may be affected by an Activity, the Municipality shall:

- (a) identify and mark as retainable trees all individual Butternut trees within the Work Zone during work planning site visits unless the individual Butternut has been assessed as a non-retainable tree due to infection by Butternut canker by a person designated by the Minister as a Butternut Health Assessor;
- (b) retain and avoid disturbance to all individuals identified under (a) above that have been identified as retainable trees or that have not been assessed, unless otherwise authorized in writing by the MNR Designated Representative;
- (c) conduct Activities by:
  - (i) limiting equipment access and operations to the side of the Drainage Works that will minimize disturbance to where any of the individual Butternut trees occur,
  - (ii) working around trees,



# Town of Kingsville: Sensitive Areas Map for Fish Species at Risk



## LEGEND



### Sensitive Areas for Fish SAR

DFO Data (valid until May 2010)

- SARA Protected (EX, EN, TH)
- To be listed in 1yr+ (EN, TH)
- All SC (Sch 1, 3, newly listed)

MNR/NHIC Data

- EXP, END, THR
- SC

### Conservation Authority

■ Essex Region

Subwatershed Boundaries

Municipal Boundaries

First Nations Territories

Urban Area



SCALE: 1:110,000

0 1 2 4  
Kilometres

UTM NAD83 CNT Zone 17.

Base data derived from the Natural Resource Values Information System (NRVIS), Element Occurrence & Observation Data provided by Natural Heritage Information Centre (NHIC). Colour-coded stream segments provided by Fisheries & Oceans Canada, 2009. Subwatershed Boundaries provided by Conservation Authorities.

This map was produced by the Aylmer District Office GIS Unit, Ministry of Natural Resources.

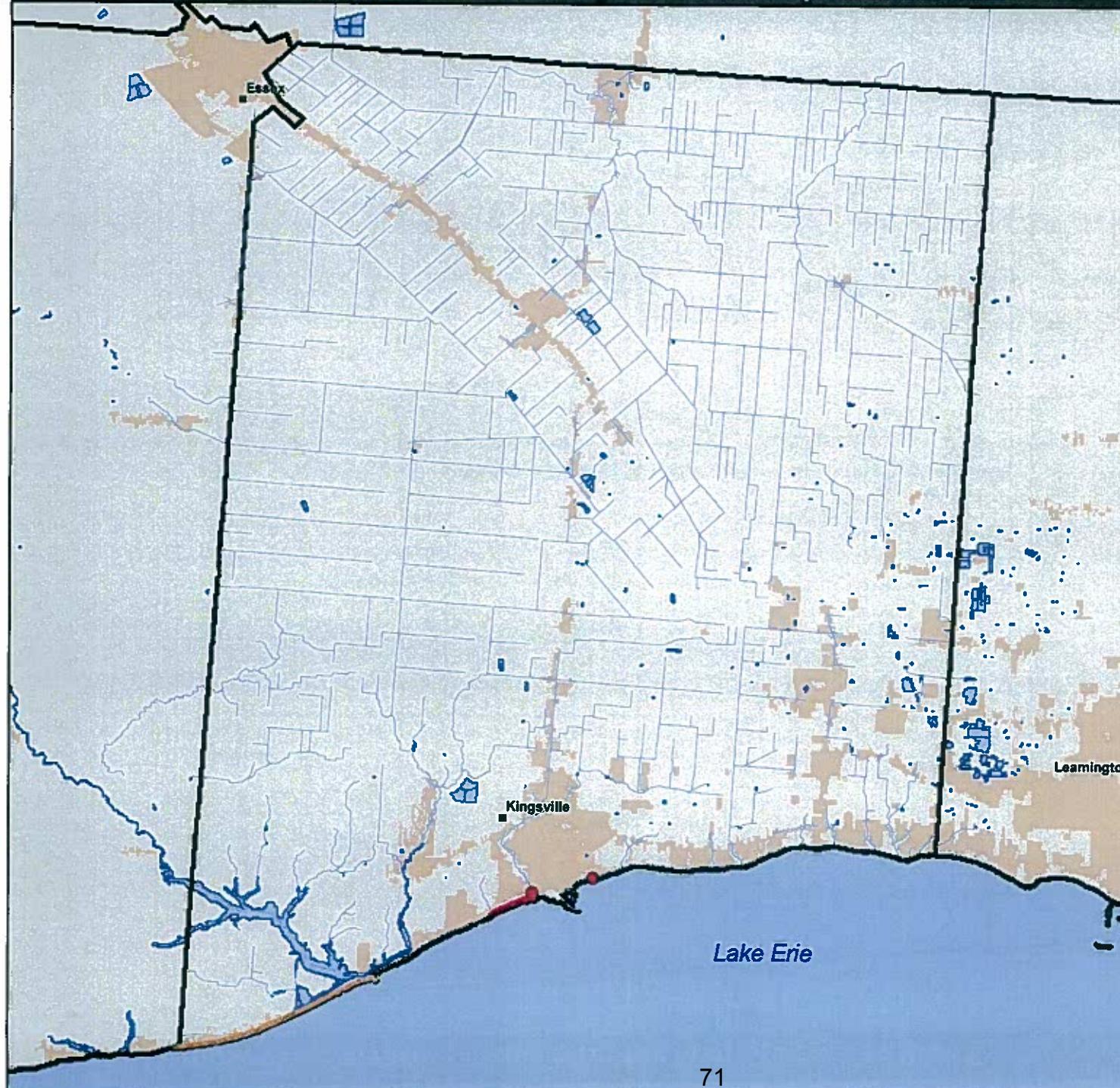
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# Town of Kingsville: Sensitive Areas Map for Mussel Species at Risk



## LEGEND



### Sensitive Areas for Mussel SAR

DFO Data (valid until May 2010)

- SARA Protected (EX, EN, TH)
- To be listed in 1yr+ (EN, TH)
- All SC (Sch 1, 3, newly listed)

MNR/NHIC Data

- EXP, END, THR
- SC

### Conservation Authority

Essex Region

Subwatershed Boundaries

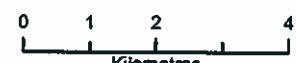
Municipal Boundaries

First Nations Territories

Urban Area



SCALE: 1:110,000



UTM NAD83 CNT Zone 17.

Base data derived from the Natural Resource Values Information System (NRVIS). Element Occurrence & Observation Data provided by Natural Heritage Information Centre (NHIC). Colour-coded stream segments provided by Fisheries & Oceans Canada, 2008. Subwatershed Boundaries provided by Conservation Authorities.

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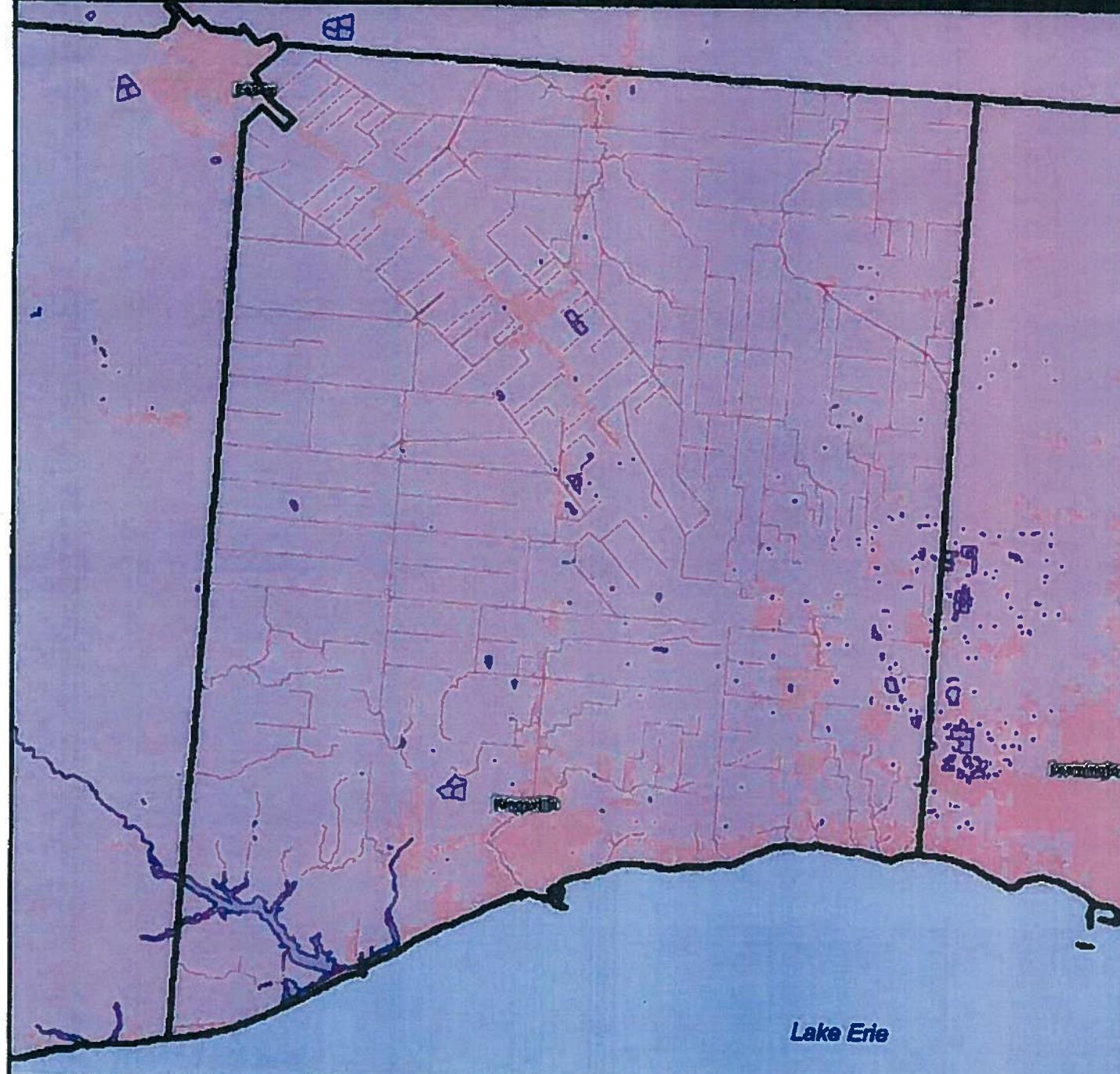
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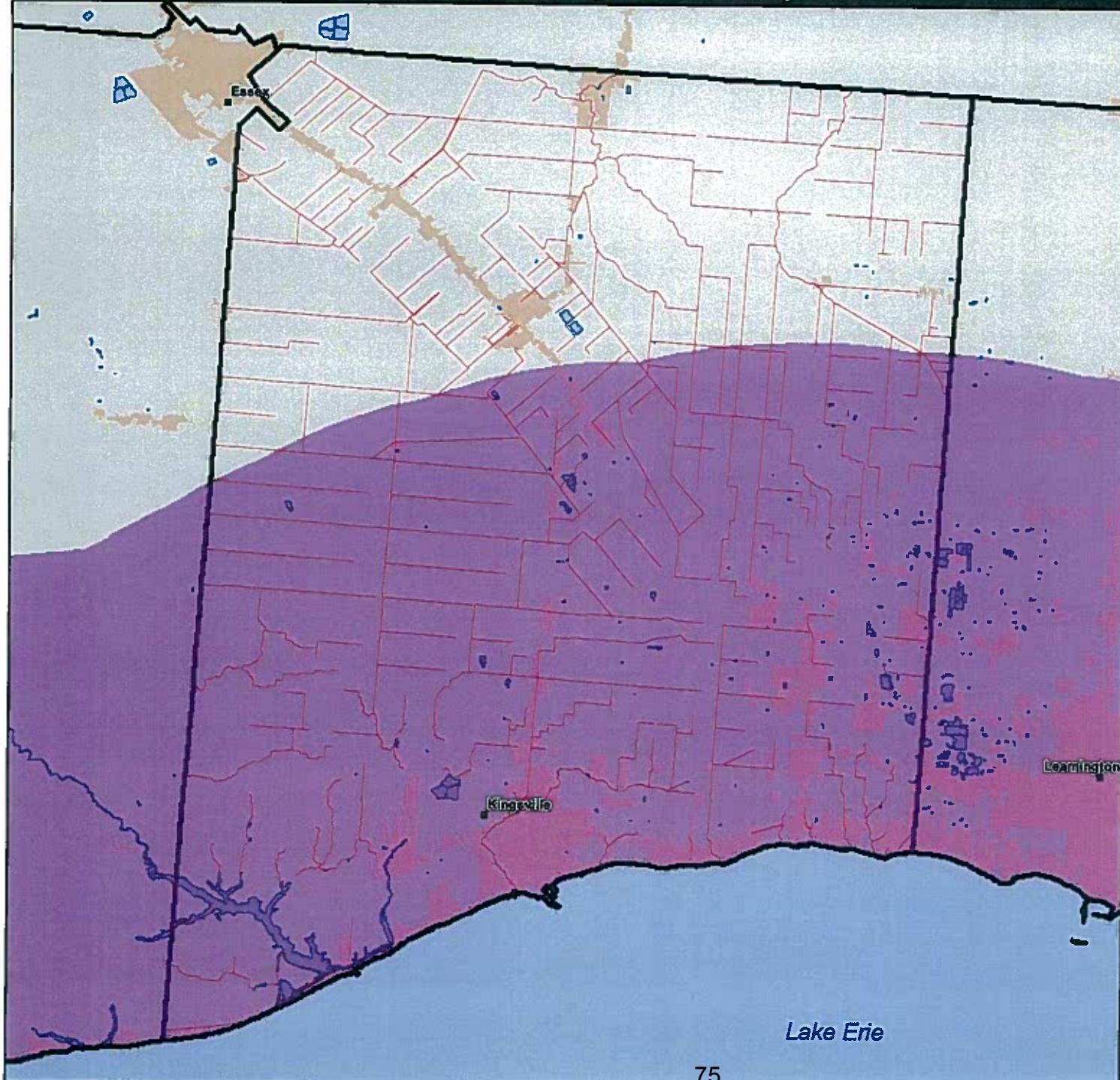


## Town of Kingsville: Sensitive Areas Map for Snake Species at Risk





## Town of Kingsville: Sensitive Areas Map for Turtle Species at Risk



### LEGEND



Sensitive Areas for Turtle SAR

Municipal Drains

#### Conservation Authority

Essex Region

Subwatershed Boundaries

Municipal Boundaries

First Nations Territories

Urban Area



SCALE: 1:110,000

0 1 2 4  
Kilometres

UTM NAD83 CNT Zone 17.

Base data derived from the Natural Resource Values Information System (NRVIS). Sensitive Areas based on data from NHC. Subwatershed Boundaries provided by Conservation Authorities.

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## Seasonal Timing Windows Chart

Date Codes		Monthly Intervals: E=Early(days 1-10); M=Middle(days 11-20); L=Late(days 21-31)											
Dates		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sapt	Oct	Nov	Dec
Taxa/Common Name		E	M	L	E	M	L	E	M	L	E	M	L
<b>Aquatic Species</b>													
Fish		IF in a Sensitive Area Identified on Maps THEN Prior Notification to the MNR is required (regardless of time of year)											
Mussels		IF in a Sensitive Area Identified on Maps THEN Prior Notification to the MNR is required (regardless of time of year)											
Turtles													
Fowler's Toad													
Jefferson Salamander													
<b>Terrestrial Species</b>													
Snakes - Hibernation													
Snakes - Staging													
Butler's Gartersnake - Hibernation													
Butler's Gartersnake - Staging													
Herbaceous Plants													
Birds													
<b>NOT a Sensitive Time</b>		IF NO Sensitive Areas Identified on Maps THEN NO Prior Notification to the MNR is required											
<b>Sensitive Time</b>		IF in a Sensitive Area Identified on Maps THEN Prior Notification to the MNR is required											
<b>On-site Consultation</b>		IF in a Highly Sensitive Area (e.g., a known hibernacula) THEN On-site consultation with the MNR is required											

Staging refers to the time just after emergence from hibernation in the spring and the aggregation of individuals in the fall just prior to entering into hibernation sites.



**NHIC Data**

2024-08-27

Irwin Drain - Kingsville

REI2024D016

OGF ID	Element Type	Common Name	Scientific Name	SRank	SARO Status	COSEWIC Status	ATLAS NAD83 IDENT	COMMENTS
726292	SPECIES	Climbing Prairie Rose	<i>Rosa setigera</i>	S2S3	SC	SC	17LG6568	
726292	SPECIES	Shellbark Hickory	<i>Carya laciniosa</i>	S3			17LG6568	



## APPENDIX "REI-C"



## STANDARD SPECIFICATIONS FOR ACCESS BRIDGE CONSTRUCTION

### **1. PRECAST CONCRETE BLOCK & CONCRETE FILLED JUTE BAG HEADWALLS**

After the Contractor has set the endwall foundations and the new pipe in place, it shall completely backfill same and install new precast concrete blocks or concrete filled jute bag headwalls at the locations and parameters indicated on the drawing. All concrete used for headwalls shall be a minimum of 30 mPa at 28 days and include 6% +/- 1% air entrainment.

Precast concrete blocks shall be interlocking and have a minimum size of 600mmX600mmX1200mm. Half blocks shall be used to offset vertical joints. Cap blocks shall be a minimum of 300mm thick. A foundation comprising minimum 300mm thick poured concrete or precast blocks the depth of the wall and the full bottom width of the drain plus 450mm embedment into each drain bank shall be provided and placed on a firm foundation as noted below. The Contractor shall provide a levelling course comprising a minimum thickness of 150mm Granular "A" compacted to 100% Standard Proctor Density or 20mm clear stone, or a lean concrete as the base for the foundation. The base shall be constructed level and flat to improve the speed of installation. Equipment shall be provided as required and recommended by the block supplier for placing the blocks such as a swift lift device for the blocks and a 75mm eye bolt to place the concrete caps,. The headwall shall extend a minimum of 150mm below the invert of the access bridge culvert with the top of the headwall set to match the finished driveway grade, unless a 150mm high curb is specified at the edge of the driveway. To achieve the required top elevation, the bottom course of blocks and footing may require additional embedment into the drain bottom. The Contractor shall provide shop drawings of the proposed wall for approval by the Drainage Superintendent or Engineer prior to construction.

Blocks shall be placed so that all vertical joints are staggered. Excavation voids on the ends of each block course shall be backfilled with 20mm clear stone to support the next course of blocks above. Walls that are more than 3 courses in height shall be battered a minimum of 1 unit horizontal for every 5 units of vertical height. The batter shall be achieved by careful grading of the footing and foundation base, or use of pre-battered base course blocks. Filter cloth as specified below shall be placed behind the blocks to prevent the migration of any fill material through the joints. Backfill material shall be granular as specified below. Where the wall height exceeds 1.8 metres in height, a uni-axial geogrid SG350 or equivalent shall be used to tie back the walls and be installed in accordance with the manufacturer's recommendations. The wall face shall not extend beyond the end of the access bridge pipe. Non-shrink grout shall be used to fill any gaps between the blocks and the access bridge pipe for the full depth of the wall. The grout face shall be finished to match the precast concrete block walls as closely as possible.

When constructing the concrete filled jute bag headwalls, the Contractor shall place the bags so that the completed headwall will have a slope inward from the bottom of the pipe to the top of the finished headwall. The slope of the headwall shall be one unit horizontal to five units vertical. The Contractor shall completely backfill behind the new concrete filled jute bag headwalls with Granular "B" and Granular "A" material as per O.P.S.S. Form 1010 and the granular material shall be compacted in place to a Standard Proctor Density of 100%. The placing of the jute bag headwalls and the backfilling shall be performed in lifts simultaneously. The granular backfill shall be placed and compacted in lifts not to exceed 305mm (12") in thickness.

The concrete filled jute bag headwalls shall be constructed by filling jute bags with concrete. All concrete used to fill the jute bags shall have a minimum compressive strength of 25 MPa in 28 days and shall be provided and placed only as a wet mix. Under no circumstance shall the concrete to be used for filling the jute bags be placed as a dry mix. The jute bags, before being filled with concrete, shall have a dimension of 460mm (18") x 660mm (26"). The jute bags shall be filled with concrete so that when they are laid flat, they will be approximately 100mm (4") thick, 305mm (12") to 380mm (15") wide and 460mm (18") long.

The concrete jute bag headwall to be provided at the end of the bridge pipe shall be a single or double bag wall construction as set out in the specifications. The concrete filled bags shall be laid so that the 460mm (18") dimension is parallel with the length of the new pipe. The concrete filled jute bags shall be laid on a footing of plain concrete being 460mm (18") wide, and extending for the full length of the wall, and 305mm (12") thick extending below the bottom of the culvert pipe.

All concrete used for the footing, cap and bags shall have a minimum compressive strength of 30 mPa at 28 days and shall include 6% +/- 1% air entrainment.

Upon completion of the jute bag headwall the Contractor shall cap the top row of concrete filled bags with a layer of plain concrete, minimum 100mm (4") thick, and hand trowelled to obtain a pleasing appearance. If the cap is made more than 100mm thick, the Contractor shall provide two (2) continuous 15M reinforcing bars set at mid-depth and equally spaced in

the cap. The Contractor shall fill all voids between the concrete filled jute bags and the corrugated steel pipe with concrete, particular care being taken underneath the pipe haunches to fill all voids.

The completed jute bag headwalls shall be securely embedded into the drain bank a minimum of 450mm (18") measured perpendicular to the sideslopes of the drain.

As an alternate to constructing a concrete filled jute bag headwall, the Contractor may construct a grouted concrete rip rap headwall. The specifications for the installation of a concrete filled jute bag headwall shall be followed with the exception that broken pieces of concrete may be substituted for the jute bags. The concrete rip rap shall be approximately 460mm (18") square and 100mm (4") thick and shall have two (2) flat parallel sides. The concrete rip rap shall be fully mortared in place using a mixture composed of three (3) parts of clean sharp sand and one (1) part of Portland cement.

The complete placement and backfilling of the headwalls shall be performed to the full satisfaction of the Drainage Superintendent and the Engineer.

## **2. QUARRIED LIMESTONE ENDWALLS**

The backfill over the ends of the corrugated steel pipe shall be set on a slope of 1-½ units horizontal to 1 unit vertical from the bottom of the corrugated steel pipe to the top of each end slope and between the drain banks. The top 305mm (12") in thickness of the backfill over the ends of the corrugated steel pipe shall be quarried limestone. The quarried limestone shall also be placed on a slope of 1-½ units horizontal to 1 unit vertical from the bottom of the corrugated steel pipe to the top of each bank of the drain adjacent each end slope. The quarried limestone shall have a minimum dimension of 100mm (4") and a maximum dimension of 250mm (10"). The end slope protection shall be placed with the quarried limestone pieces carefully tamped into place with the use of a shovel bucket so that, when complete, the end protection shall be consistent, uniform, and tightly laid in place.

Prior to placing the quarried limestone end protection over the granular backfill and on the drain banks, the Contractor shall lay non-woven geotextile filter fabric "GMN160" conforming to O.P.S.S. 1860 Class I or approved equal. The geotextile filter fabric shall extend from the bottom of the corrugated steel pipe to the top of each end slope of the bridge and along both banks of the drain to a point opposite the ends of the pipe.

The Contractor shall take extreme care not to damage the geotextile filter fabric when placing the quarried limestone on top of the filter fabric.

## **3. BRIDGE BACKFILL**

After the corrugated steel pipe has been set in place, the Contractor shall backfill the pipe with Granular "B" material, O.P.S.S. Form 1010 with the exception of the top 305mm (12") of the backfill. The top 305mm (12") of the backfill for the full width of the excavated area (between each bank of the drain) and for the top width of the driveway, shall be Granular "A" material, O.P.S.S. Form 1010. The granular backfill shall be compacted in place to a Standard Proctor Density of 100% by means of mechanical compactors. All of the backfill material, equipment used, and method of compacting the backfill material shall be inspected and approved and meet with the full satisfaction of the Drainage Superintendent and Engineer.

## **4. GENERAL**

Prior to the work commencing, the Drainage Superintendent and Engineer must be notified, and under no circumstances shall work begin without one of them being at the site. Furthermore, the grade setting of the pipe must be checked, confirmed, and approved by the Drainage Superintendent or Engineer prior to continuing on with the bridge installation.

The alignment of the new bridge culvert pipe shall be in the centreline of the existing drain, and the placing of same must be performed totally in the dry.

Prior to the installation of the new access bridge culvert, the existing sediment build-up in the drain bottom must be excavated and completely removed. This must be done not only along the drain where the bridge culvert pipe is to be installed, but also for a distance of 3.05 metres (10 ft.) both upstream and downstream of said new access bridge culvert. When setting the new bridge culvert pipe in place it must be founded on a good undisturbed base. If unsound soil is encountered, it must be totally removed and replaced with 20mm (3/4") clear stone, satisfactorily compacted in place.

When doing the excavation work or any other portion of the work relative to the bridge installation, care should be taken not to interfere with, plug up, or damage any existing surface drains, swales, and lateral or main tile ends. Where damage is encountered, repairs to correct same must be performed immediately as part of the work.

The Contractor and/or landowner performing the bridge installation shall satisfy themselves as to the exact location, nature and extent of any existing structure, utility or other object that they may encounter during the course of the work. The Contractor shall indemnify and save harmless the Town, or the Municipality, the Engineer, and their staff from any damages which it may cause or sustain during the progress of the work. It shall not hold them liable for any legal action arising out of any claims brought about by such damage caused by it.

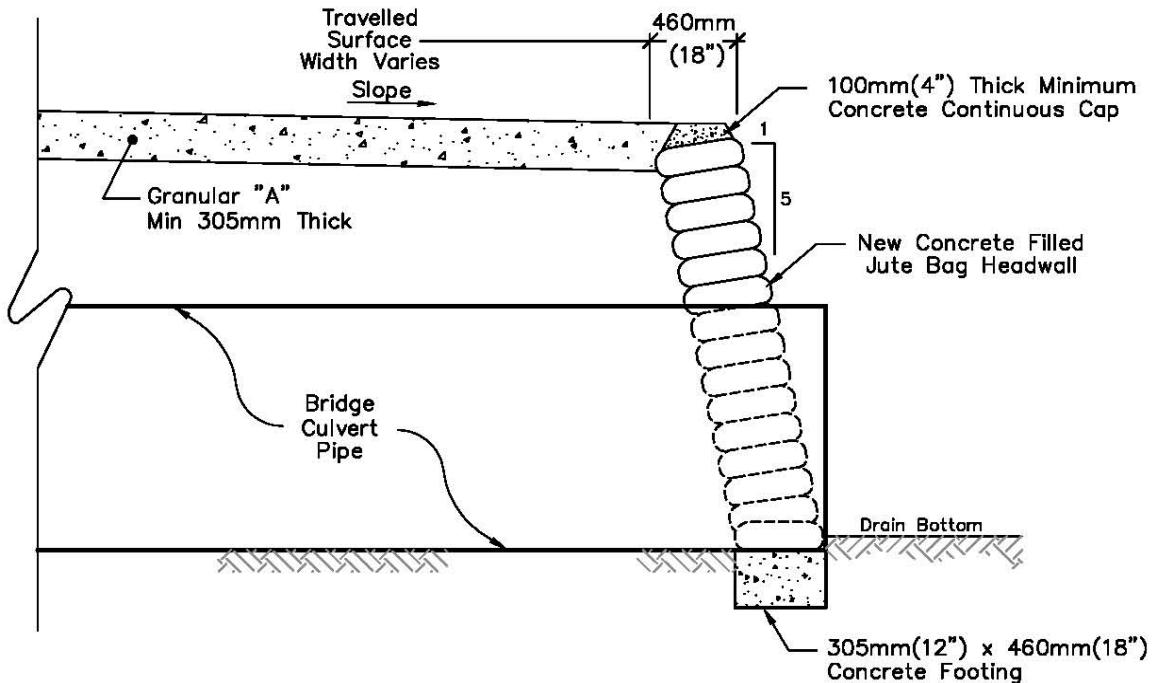
Where applicable, the Contractor and/or landowner constructing the new bridge shall be responsible for any damage caused by them to any portion of the Town road right-of-way. They shall take whatever precautions are necessary to cause a minimum of damage to same and must restore the roadway to its original condition upon completion of the works.

When working along a municipal roadway, the Contractor shall provide all necessary lights, signs, barricades and flagpersons as required to protect the public. All work shall be carried out in accordance with the requirements of the Occupational Health and Safety Act, and latest amendments thereto. If traffic control is required on this project, it is to comply with the M.T.O. Traffic Control Manual for Roadway Work Operations and Ontario Traffic Manual Book 7.

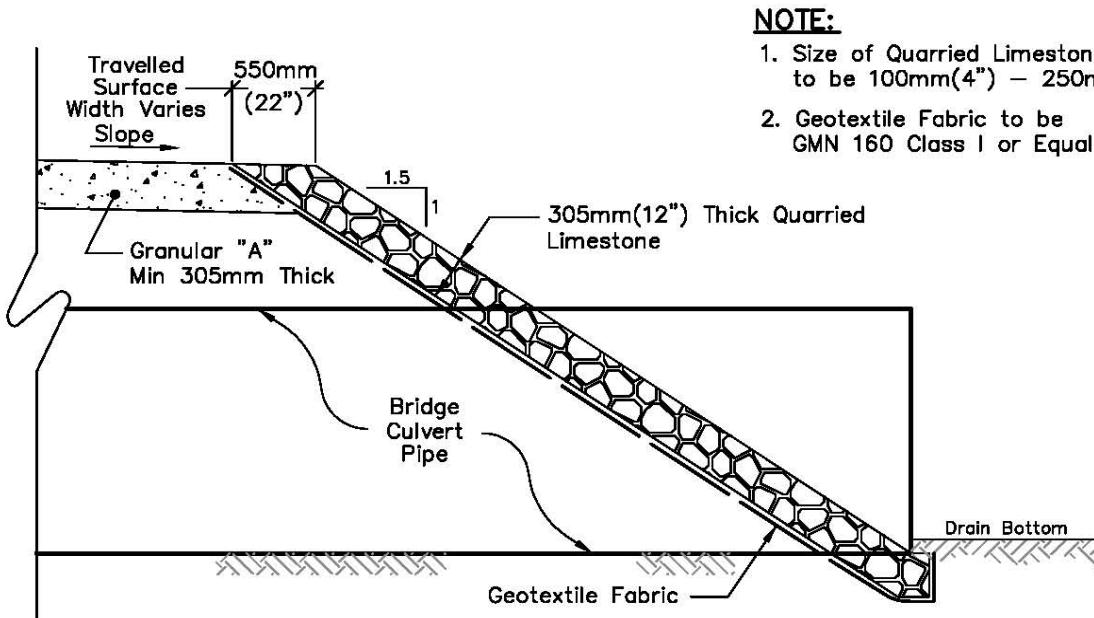
Once the bridge installation has been completed, the drain sideslopes directly adjacent the new headwalls and/or endwalls are to be completely restored including revegetation, where necessary.

All of the work required towards the installation of the bridge shall be performed in a neat and workmanlike manner. The general site shall be restored to its' original condition, and the general area shall be cleaned of all debris and junk, etc. caused by the work

All of the excavation, installation procedures, and parameters as above mentioned are to be carried out and performed to the full satisfaction of the Drainage Superintendent and Engineer.



Typical Jute Bag Headwall



Typical Quarried Limestone End Protection

**Rood Engineering Inc.**

Consulting Engineers

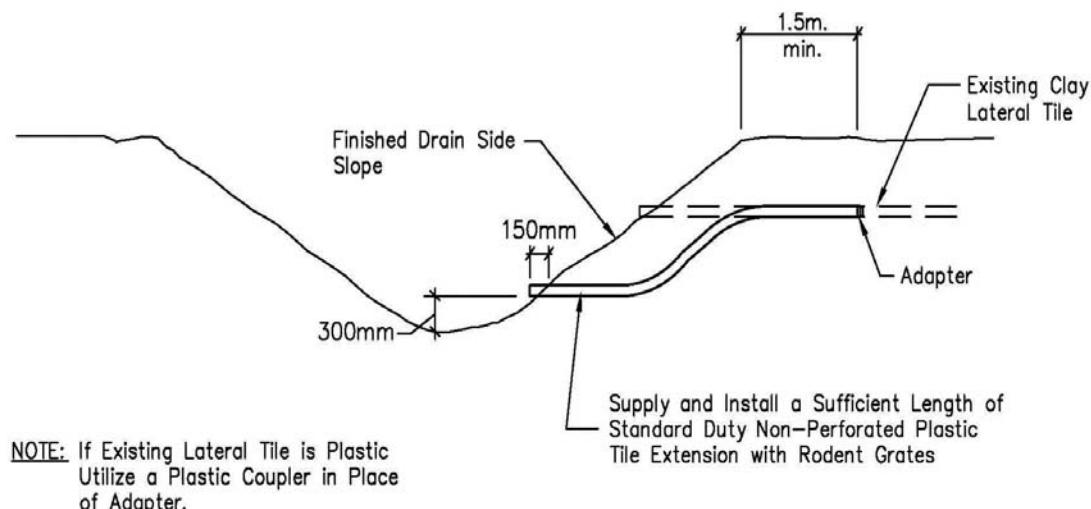
9 Nelson Street

Leamington, Ontario N8H 1G6

519-322-1621

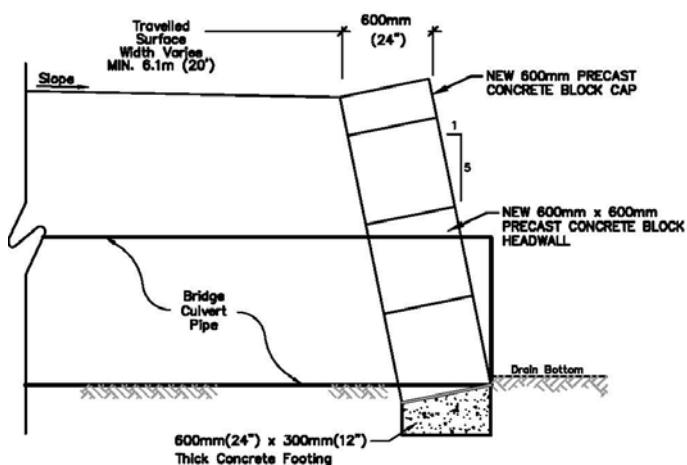
**NOTE:**

1. Size of Quarried Limestone to be 100mm(4") – 250mm(10")
2. Geotextile Fabric to be GMN 160 Class I or Equal

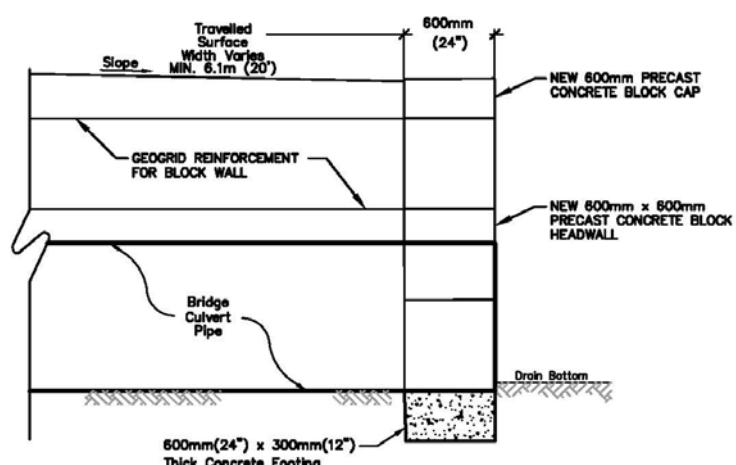


## STANDARD LATERAL TILE DETAIL

N.T.S.



**TYPICAL PRECAST CONCRETE BLOCK END PROTECTION**  
Scale = N.T.S.



**TYPICAL VERTICAL PRECAST CONCRETE BLOCK END PROTECTION**  
Scale = N.T.S.



## APPENDIX "REI-D"



**SECTION II**  
**SPECIFICATIONS**  
**FOR FISH SALVAGE**

**GENERAL**  
**SECTION 201**

The Work shall include the capture, salvage and release of fish that are trapped or stranded as the result of the Contractor's operations, at locations identified in the Fish Salvage Plan, and in co-operation with the Essex Region Conservation Authority (E.R.C.A.).

Fish capture shall be performed prior to dewatering, and in such manner that will minimize the injury to the fish.

**MATERIALS**  
**SECTION 202**

All materials required for fish capture, salvage and release shall be supplied by the Contractor.

**CONSTRUCTION**  
**SECTION 203**

The Contractor shall not commence any fish capture, salvage and release work until the Fish Salvage Plan has been accepted by the Consultant and the Conservation Authority. All work shall be performed in accordance with the Fish Salvage Plan unless otherwise determined by the Consultant or the Conservation Authority.

The Contractor shall ensure an ice-free pool is maintained throughout all fish capture and release operations.

All fish shall be captured within the area specified and released at an acceptable location in the downstream water body. Fish shall be captured by electro fishing, netting, seining, trapping, or other method acceptable to the Consultant and/or the Conservation Authority.

**MEASUREMENT AND PAYMENT**  
**SECTION 204**

Payment for this Work will be included in the price bid for drainage work components or made at the lump sum price bid for "Fish Capture and Release". The lump sum price will be considered full compensation for all labour, materials, equipment, tools, and incidentals necessary to complete the Work to the satisfaction of the Consultant.



## APPENDIX “REI-E”



# IRWIN DRAIN

New Bridge for Hydro One Easement  
(Geographic Township of Gosfield North)

IN THE  
TOWN OF KINGSVILLE  
IN THE  
COUNTY OF ESSEX • ONTARIO



*Gerard Rood*  
GERARD ROOD, P.ENG.

**ROOD**  
**ENGINEERING**  
**INC.**

CONSULTING ENGINEERS  
Leamington, Ontario  
519-322-1621

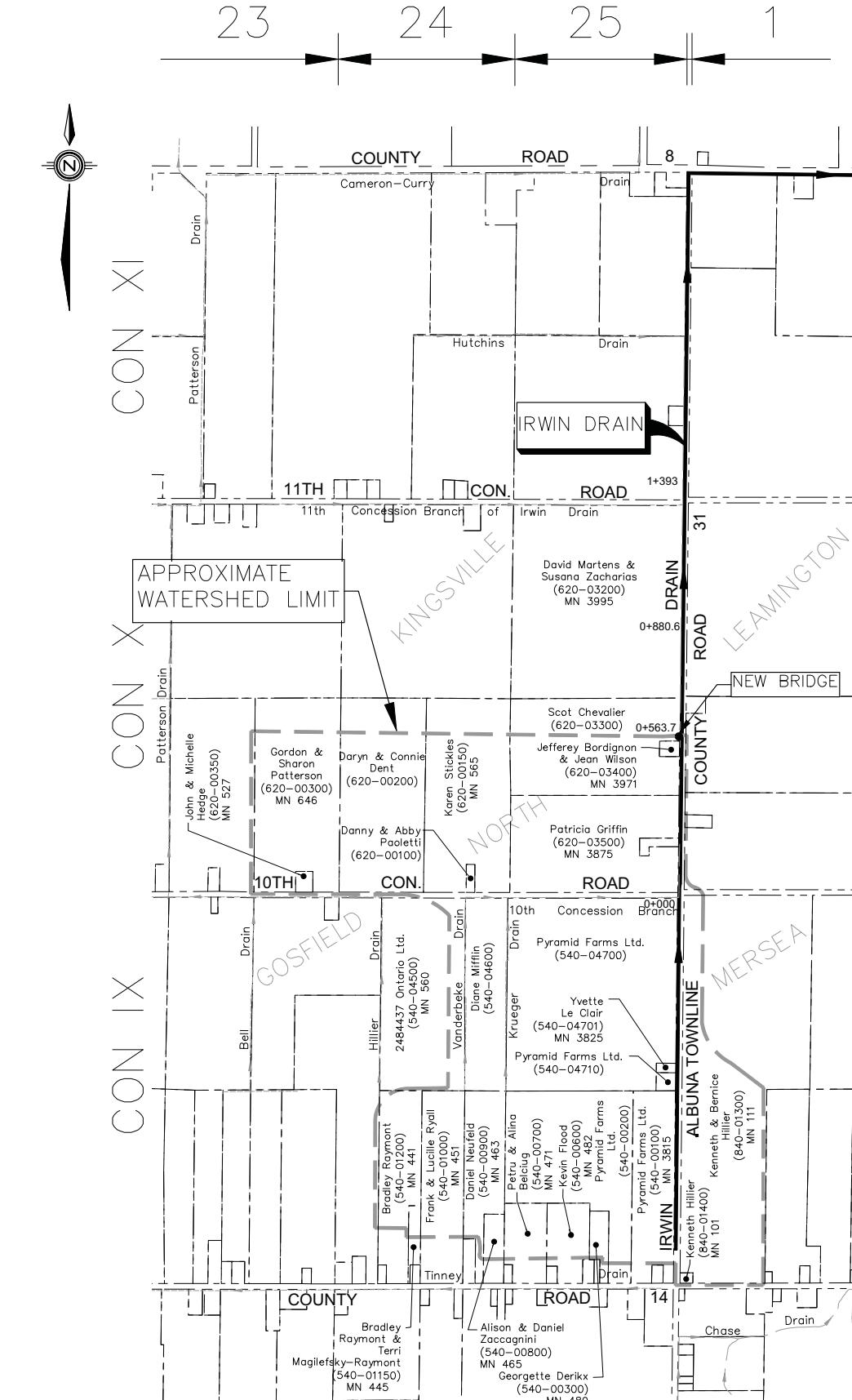
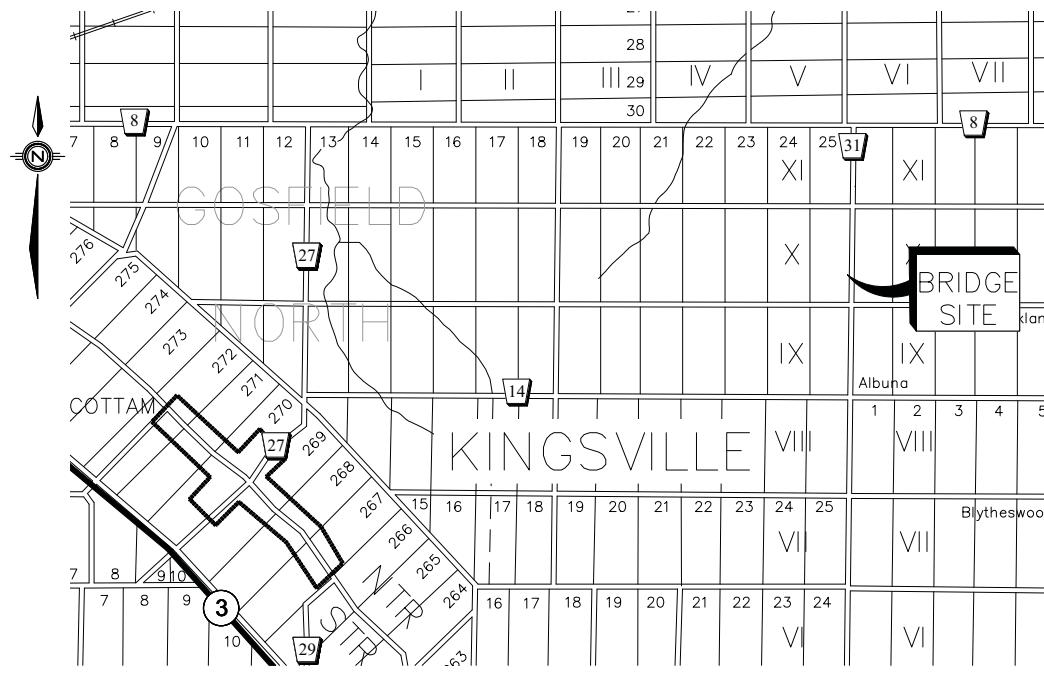
DATE: September 6th, 2024

## TOWN OF KINGSVILLE

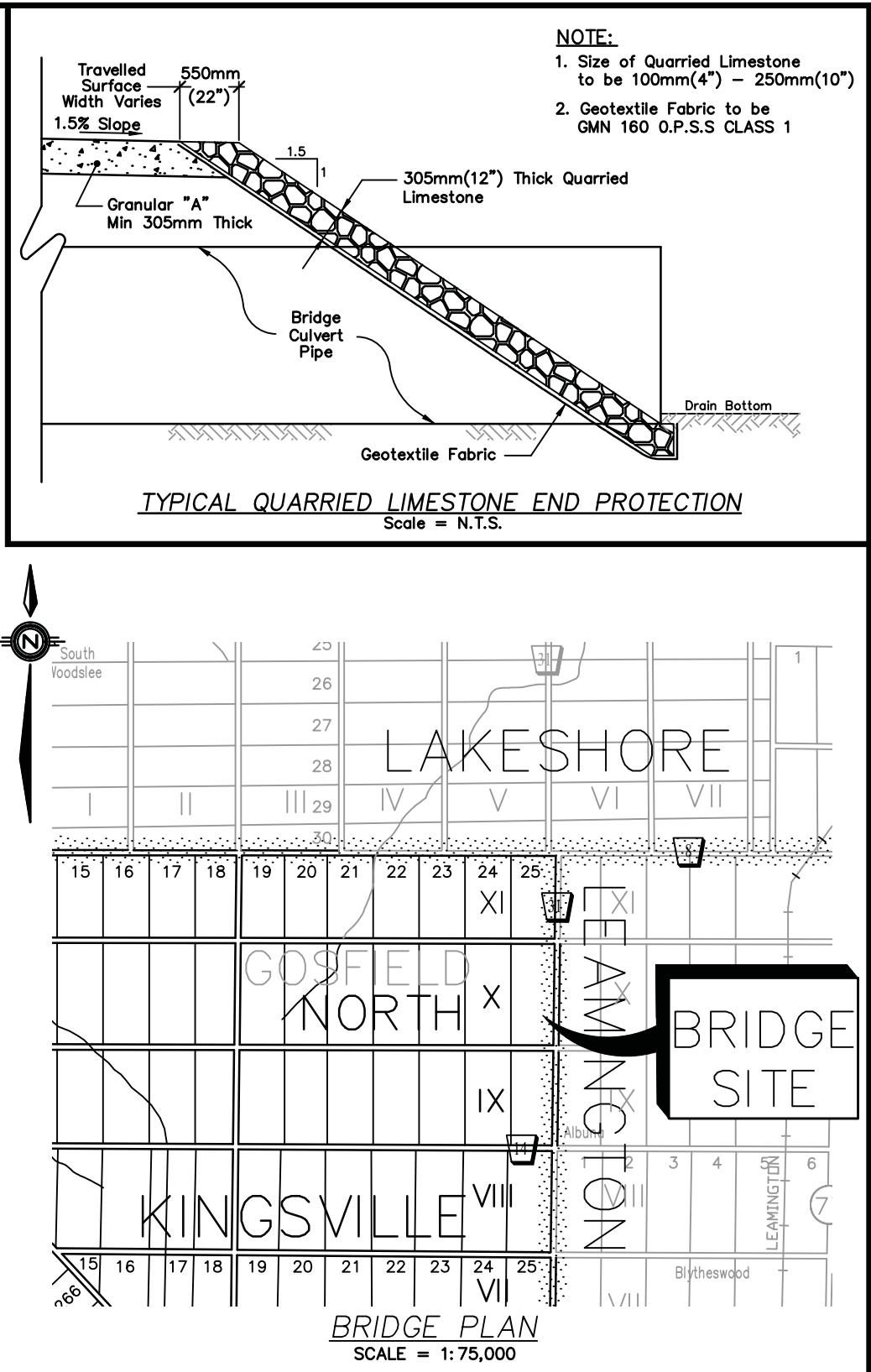
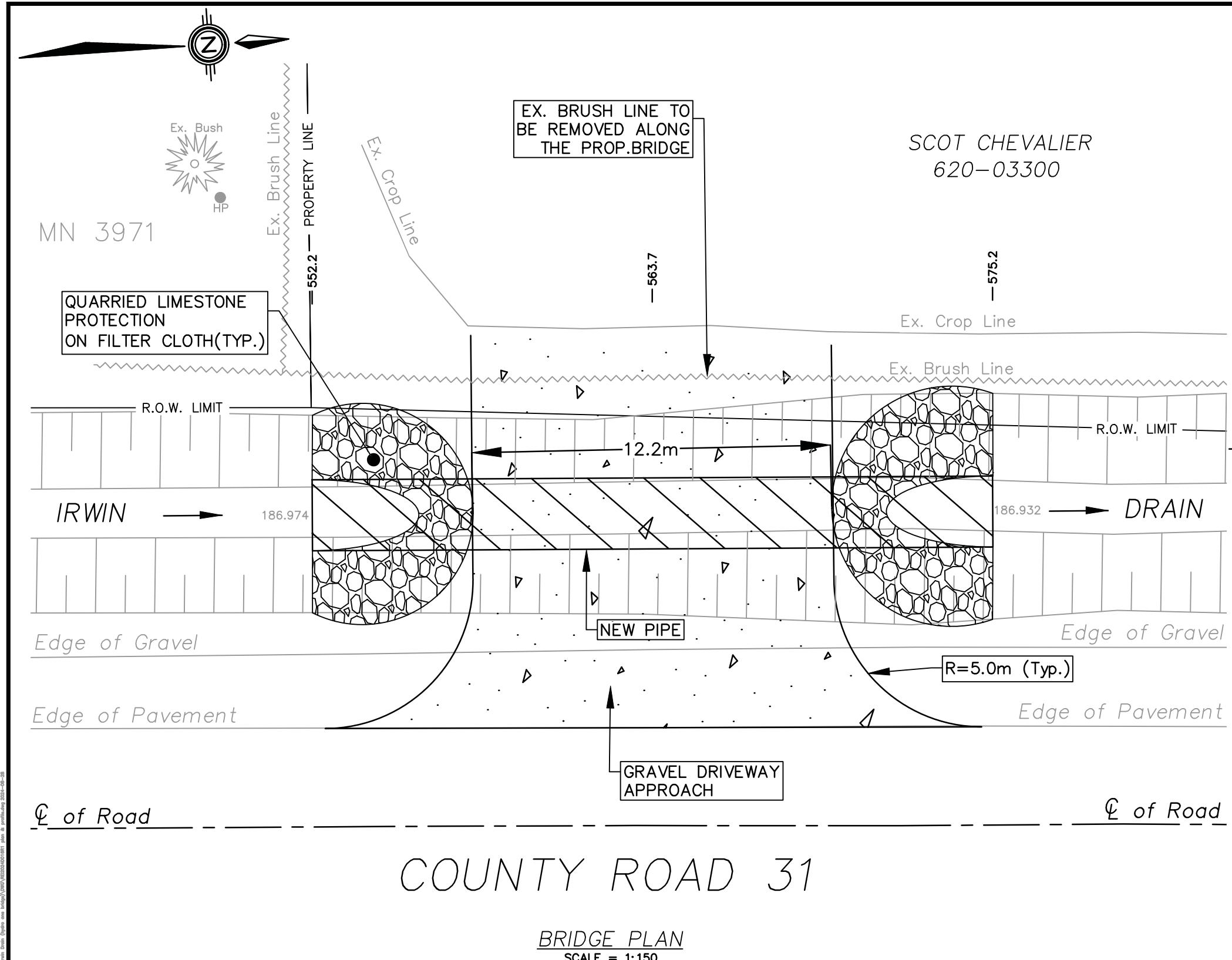
MAYOR: DENNIS ROGERS  
CLERK: PAULA PARKER  
DRAINAGE SUPERINTENDENT: LU-ANN MARENTETTE

## BENCHMARKS:

TOP OF NAIL HEAD ACROSS THE ROAD ON  
WOODEN POST MAILBOX OF MN 3971,  
SOUTH OF PROPOSED BRIDGE  
ELEV. 189.878m







BENCHMARK:

BM 1 - TOP OF NAIL HEAD ACROSS THE ROAD ON WOODEN POST MAILBOX OF MN 3971, SOUTH OF PROPOSED BRIDGE

ELEV: 189.878m

PIPE DIAMETER:

PIPE LENGTH:

PIPE GAUGE:

CORRUGATIONS:

TYPE OF PIPE:

DESIGN ELEVATIONS:

UPSTREAM INV. (S) = 186.734m

DOWNTSTREAM INV. (N) = 186.692m

TOP OF DRIVEWAY = 189.800m

DRAIN GRADE = 0.18%

ELEV: 189.878m

IRWIN DRAIN

NEW BRIDGE FOR HYDRO ONE EASEMENT-CHEVALIER PARCEL (620-03300)  
(Geographic Township of Gosfield North)

IN THE

TOWN OF KINGSMVILLE

IN THE

COUNTY OF ESSEX • ONTARIO

ROAD  
ENGINEERING  
INC.

CONSULTING ENGINEERS  
Leamington, Ontario  
519-322-1621

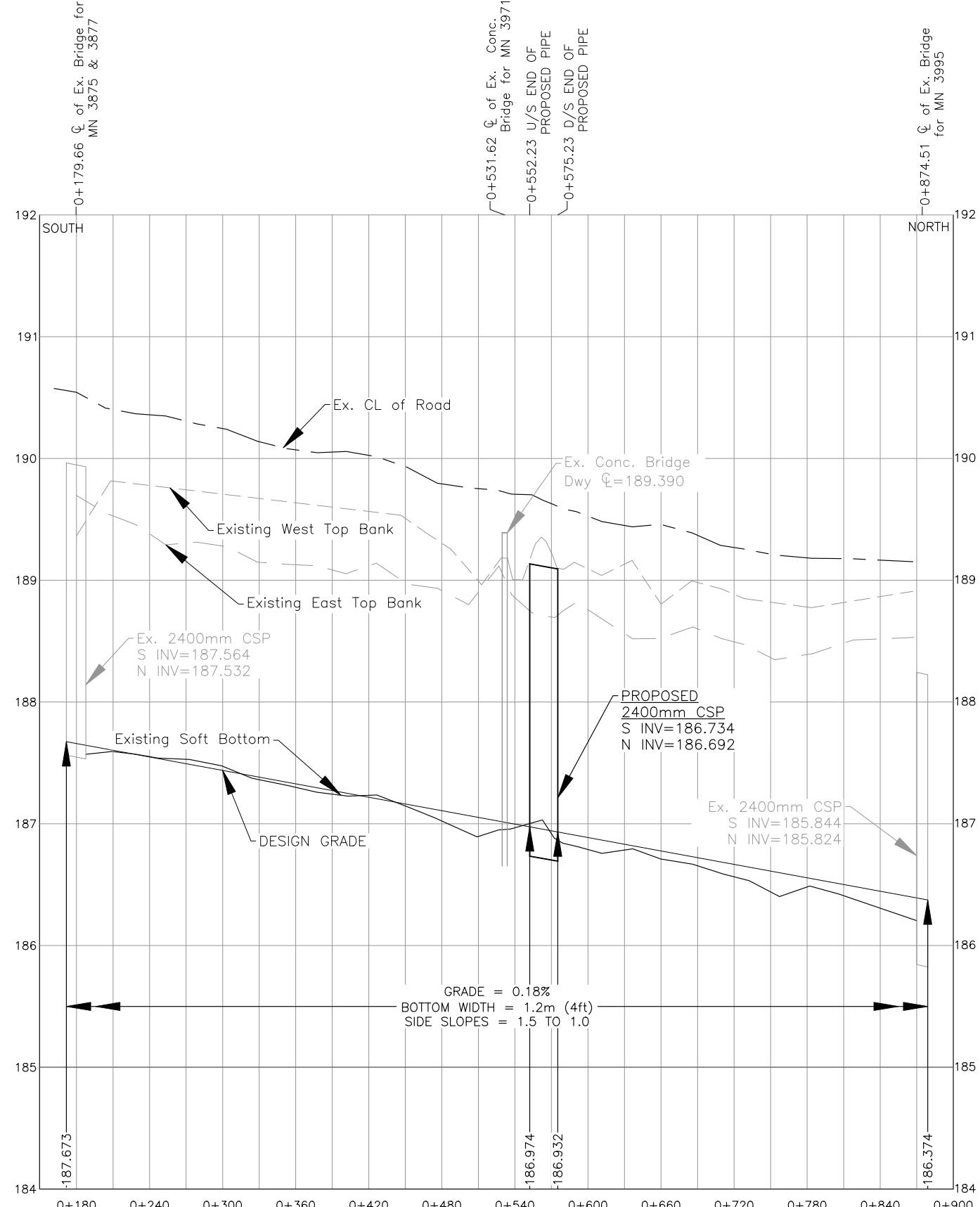
FILE No.:  
REI2024D016

DRAWN BY: A.C.  
PLOT CODE: 1:1  
FILE:  
REI2024D016.DWG

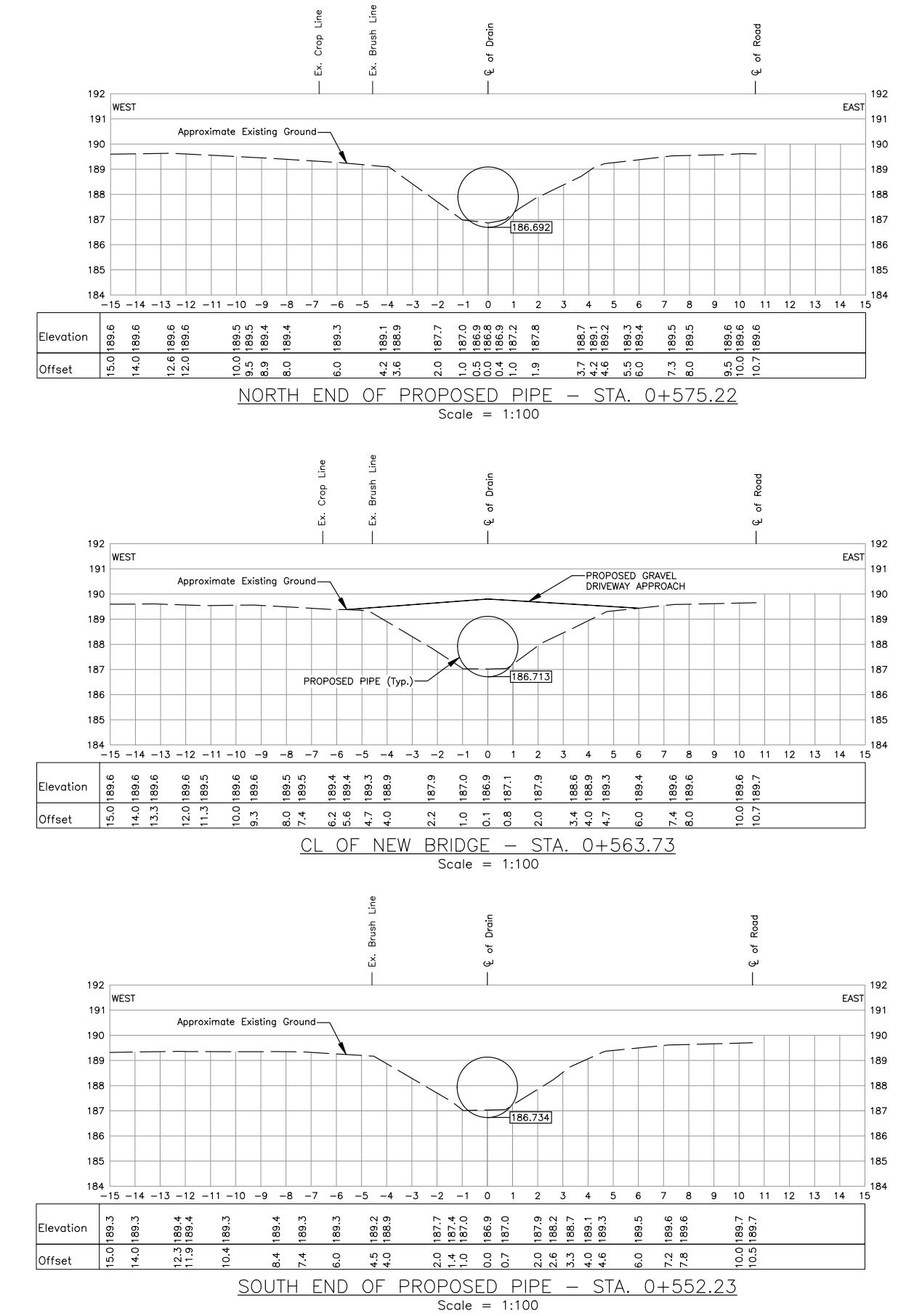
DATE:  
2024-09-06

SHEET NO:  
2 OF 3





IRWIN DRAIN - PROFILE

SCALE = 1:2000 Hor.  
1:200 Vert.

NEW BRIDGE CROSS-SECTIONS

DRAWN BY: A.C.  
PLOT CODE: 1:1  
COMPUTER FILE: REI2024D016  
FILE NO.: REI2024D016  
SHEET NO.: 3 of 3

THESE PLANS HAVE BEEN REDUCED  
AND THE SCALE THEREFORE VARIES  
FULL SCALE PLANS MAY BE VIEWED  
AT THE MUNICIPAL OFFICE.



**Date:** **October 7, 2024**

**To:** **Mayor and Council**

**Author:** **Lu-Ann Marentette, Drainage Superintendent**

**RE:** **West Townline Drain Upper – Access for Telus on Colasanti  
parcel #580-01006**

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## **RECOMMENDED ACTION**

That the Report prepared by Rood Engineering dated August 28, 2024, regarding new access over the West Townline Drain Upper for parcel 580-01006 under Section 78 of the Drainage Act, **BE ADOPTED**.

## **BACKGROUND**

In the spring of 2024 Telus advised that they required a new access over the West Townline Drain Upper for a new tower installation. In agreement with the owner of parcel #580-01006 a request was submitted for a new access.

## **DISCUSSION**

This parcel currently does not have an access since the owner owns the lot next door. Therefore this parcel is entitled to its own access.

## **FINANCIAL CONSIDERATIONS**

The entire cost of the project will be assessed to the owner of Parcel 580-01006. The estimated cost is as follows:

Engineering	\$10,529
Construction	\$21,471
Total	\$32,000

Future maintenance of same will be 81% to this owner and the remaining 19% to upstream lands (All Essex lands).

## **ENVIRONMENTAL CONSIDERATIONS**

Report sent to ERCA for review and comment. A permit has already been issued for these works.

## CONSULTATIONS

PREPARED BY:



---

Lu-Ann Marentette  
Drainage Superintendent

REVIEWED BY:



---

Tim Del Greco P.Eng.  
Senior Manager, Capital Projects and Engineering



---

Richard J.H. Wyma CSLA  
Director of Planning and Development

## **WEST TOWNLINE DRAIN UPPER**

Bridge for Telus Communications Inc.  
on D & M Colasanti Management Ltd. Parcel  
Geographic Township of Gosfield North



**TOWN OF KINGSVILLE**  
*2021 Division Road North*  
**Kingsville, Ontario N9Y 2Y9**  
**519-733-2305**

**Rood Engineering Inc.**  
**Consulting Engineers**  
*9 Nelson Street*  
**Leamington, Ontario N8H 1G6**  
**519-322-1621**

*Project REI2024D020*  
*2024-08-28*



August 28th, 2024

Mayor and Municipal Council  
Corporation of the Town of Kingsville  
2021 Division Road North  
Kingsville, Ontario  
N9Y 2Y9

Mayor Rogers and Members of Council:

**WEST TOWNLINE DRAIN UPPER**  
**Bridge for Telus Communications Inc. on D & M Mastronardi Management Ltd. Parcel**  
**Part Lot 281, Concession STR**  
**Geographic Twp. of Gosfield North**  
**Project REI2024D020**  
**Town of Kingsville, County of Essex**

**I. INTRODUCTION**

In accordance with the instructions received from you by letter of July 3rd, 2024, from your Drainage Superintendent, LuAnn Marentette, we have prepared the following report that provides for the construction of a new access bridge in the West Townline Drain Upper. This proposed new bridge is intended to provide access to lands owned by D & M Colasanti Management Ltd. for Telus Communications, in Part Lot 281, Concession STR, in the Geographic Township of Gosfield North. The West Townline Drain Upper is an open drain with a number of access bridges. The drain was constructed pursuant to the Drainage Act. A plan showing the West Townline Drain Upper alignment, as well as the general location of the above-mentioned bridge, is included herein as part of the report.

Our appointment and the works related to the construction of the above-mentioned access bridge in the West Townline Drain Upper, proposed under this report, is in accordance with Section 78 of the “Drainage Act, R.S.O. 1990, Chapter D.17 as amended 2021”. We have performed all of the necessary survey, investigations, etcetera for the proposed bridge, as well as the West Townline Drain Upper, and we report thereon as follows.

**II. BACKGROUND**

From our review of the Town’s drainage files, we have determined that the West Townline Drain Upper portion encompassing the affected bridge was last repaired under an Engineer’s Report

dated April 24th, 2002, prepared by Bruce Crozier, P.Eng. The work included in said report consisted of drain cleaning, repair and improvement.

We also referred to the April 24th, 2002, report to help delineate the watershed for this current project. We have utilized the plans within said report to establish the size parameters for the drain and the details to be used in establishing the new bridge culvert installation. We have also used this Engineer's report to establish the drain profile grade, and to assist us in establishing the design grade for the subject access bridge installation. The Schedule of Assessment in the latest drainage report was used to establish the upstream watershed area and flows to be used in the design of the bridge.

### **III. PRELIMINARY EXAMINATION AND ON-SITE MEETING**

After reviewing all of the available drainage information and documentation provided by the Drainage Superintendent, we arranged with Town staff to schedule an on-site meeting for June 4th, 2024, online. The following people were in attendance at said meeting: Shannon Gardner, Asif Mahmood, LuAnn Marentette (Drainage Superintendent), and Gerard Rood (Rood Engineering).

Ms. Marentette explained the timelines under the Drainage Act and that an early design can be obtained from Rood Engineering, and the drainage report processed afterwards. Mr. Rood explained the "temporary" bridge process that can proceed after the on-site meeting. Ms. Marentette explained how the "temporary" bridge can be installed once a permit is received and then it will be a permanent access when the drainage report is processed. Mr. Mahmood advised that Telus want to do construction of the bridge as soon as possible to access the site and start their work. They need a legal access and get the site built by next year February or March. He advised that they just got the access location information and will provide it to the Town. Ms. Marentette advised that Ms. Gardner had provided the information yesterday for the location and bridge features. Mr. Rood advised that having the information will allow the project to move ahead. Mr. Mahmood asked about the headwalls and Ms. Marentette explained the options and that they want precast concrete block walls considered as requested by Ms. Gardner and Mr. Mahmood agreed.

We advised them that the minimum standard top width for an access bridge is 6.10 metres (20 ft.) and that the bridge centreline location will be aligned with the proposed bridge location. They were also advised that because the bridge is a new bridge, the cost of the new access bridge construction, as well as all the cost for the preparation of the Engineer's Report would be paid by the abutting owner. It was established that they are satisfied with the minimum 6.1m (20') top width to allow for the equipment to easily access the site. We went on to discuss that sloped end rip rap on filter cloth end or precast concrete block ends can be investigated for the installation, like those on other newer bridges often used, and the most cost-effective option would be included in the design. Ms. Marentette noted that Essex County is providing clearance for the bridge position and all information will be distributed. Mr. Rood advised that they will be

contacted if any questions and the work can proceed after the notice period to the Conservation Authority expires and the appointment for the drainage report preparation is confirmed by the Town.

The overall drainage report procedure and future maintenance processes were generally reviewed with them. They were also advised that the works will be subject to the approval of the Department of Fisheries and Oceans (D.F.O.), the Ministry of Natural Resources and Forestry (M.N.R.F.), Ministry of Environment, Conservation and Parks (M.E.C.P.) and the Essex Region Conservation Authority (E.R.C.A.). We further discussed bridge maintenance, sizing, and material of the proposed bridge. We explained that the Town of Kingsville standard for pipe material is aluminized steel pipe that will approximately double the service life of the pipe at minimal cost.

#### **IV. FIELD SURVEY AND INVESTIGATIONS**

Following the on-site meeting we arranged for our survey crew to attend at the site and perform a topographic survey, including taking the necessary levels and details to establish the design parameters for the installation of this new access bridge.

A benchmark was looped from previous work carried out on the drain and was utilized in establishing a site benchmark near the location of the bridge. We surveyed the drain both upstream and downstream of the proposed new access bridge and picked up the existing bridges and culvert elevations in order to establish a design grade profile for the installation of the new bridge. We also took cross-sections of the West Townline Drain Upper at the general location of the proposed bridge, as necessary for us to complete our design calculations, estimates and specifications.

We reviewed the E.R.C.A. and D.F.O. Species at Risk mapping for fish and mussels and the Town made initial submissions to the Essex Region Conservation Authority (E.R.C.A.) regarding their requirements and we checked for any D.F.O. (Department of Fisheries and Oceans) requirements for work that would be proposed to be carried out on the West Townline Drain Upper. A response from the Conservation Authority was received by email on August 1st, 2024, and indicated that the Town must apply for a permit and follow standard mitigation requirements.

The Ministry of Natural Resources & Forestry (M.N.R.F.) Species at Risk former Town agreement with M.N.R.F. pursuant to Section 23 of the “Endangered Species Act, 2007” expired as of June 30th, 2015. The former agreements are replaced with new legislation provisions under Ontario Regulation 242/08, Section 23.9 which allows repairs, maintenance, and improvements to be conducted by the Town within existing municipal drains and is administered by the Ministry of Environment, Conservation and Parks (M.E.C.P.). These works are exempt from Sections 9 and 10 of the Endangered Species Act provided that the rules in the regulations are followed. When eligible, the new regulations allow Municipalities to give notice to M.N.R.F. by registering their drainage activities through an online registry system.

For the purposes of establishing the watershed area upstream of the proposed bridge, and determining the pipe size required, we investigated and reviewed the past drainage report on the West Townline Drain Upper.

## **V. FINDINGS AND RECOMMENDATIONS**

Prior to the preparation of our report, we reviewed the details of the bridge installation including the end treatment options based on the regulatory restrictions and the cost estimates that we were to review. Through our investigations, it was determined that the sloped end treatment was the most economical, and we have proceeded with this option, along with the aluminized pipe, as discussed at the on-site meeting.

Based on our detailed survey, investigations, examinations, and discussions with the affected parties, we would recommend that a new access bridge be constructed in the West Townline Drain Upper at the location and to the general parameters as established in our design drawings attached herein.

During the course of our investigations, this drainage project was discussed and reviewed with E.R.C.A., to deal with any Authority issues and comments related to this Municipal drain. In the interest of fish habitat and migration, D.F.O. requires that the invert of the new bridge culvert be embedded below the design or existing bottom of the drain a minimum of 10% of the pipe height to ensure a continued path for fish migration through the bridge culvert. Therefore, based on this, we have made provisions to set the invert of the proposed 1050mm diameter corrugated steel pipe culvert required for this bridge installation, at approximately 0.105 metres below the drain bottom design grade. The D.F.O. Species at Risk screening maps confirm that there are no Species at Risk Fish or Mussels identified in this area. The West Townline Drain Upper is located within the Regulated Area and is under the jurisdiction of the E.R.C.A., and therefore all work has to comply with the current mitigation provisions of the E.R.C.A. and D.F.O. Details of these mitigation measures are included in the Specifications and Appendix “REI-A” forming part of this report.

As is now required under the new Endangered Species Act (E.S.A.), 2007 Provincial Legislation, we have reviewed the former M.N.R.F. agreement with the Town. The M.N.R.F. mapping has basically confirmed that there are no foreseen impacts to natural heritage features or endangered or threatened species on this project; therefore, a permit or agreement under the E.S.A. 2007 is not necessary at this time. Because turtles and snakes are mobile and indicated as sensitive in the area, we have included herein a copy of the M.N.R.F. mitigation requirements for them in Appendix “REI-B”.

Providing mitigation requirements are implemented it was concluded that present wildlife Species at Risk will be protected from negative impacts and will not contravene with Section 9 (species protection) or Section 10 (habitat protection) of the Endangered Species Act, 2007. Based on this information we find that the Town can proceed with the eligible repairs,

maintenance, and improvements to the drain as they are exempt under Sections 9 and 10 of the Act, provided that they follow the rules within Ontario Regulation 242/08. To address these requirements the Town has established comprehensive mitigation measures as well as species identification guides for reference. Copies of the measures and guides shall be provided to the successful Tenderer for use during construction, and these documents are available for viewing by any interested parties at the Town office.

Based on all of the above, we recommend that a new access bridge be constructed in the West Townline Drain Upper to serve the private lands of D & M Colasanti Management Ltd. for Telus Communications Inc., in Part of Lot 281, Concession STR, in accordance with this report, the attached specifications and the accompanying drawings, and that all works associated with same be carried out in accordance with Section 78 of the "Drainage Act, R.S.O. 1990, Chapter D.17 as amended 2010". The proposed bridge design will not affect the functionality of the drain and will not create any adverse impacts to upstream and downstream portions of the drain and adjacent lands.

Since all of the work will be conducted on the road allowance, municipal drain and the driveway entrance to the parcel, we find that no allowances are required pursuant to Sections 29 and 30 of the Drainage Act.

## **VI. ESTIMATE OF COST**

Our estimate of the total cost of this work including all incidental expenses is the sum of **THIRTY TWO THOUSAND DOLLARS (\$32,000.00)**, made up as follows:

### **CONSTRUCTION**

Item 1) Provide all labour, equipment and material to construct a new access bridge consisting of 14.0 metres (45.9 ft.) of 1050mm diameter, 2.8mm thick, aluminized steel Type II corrugated Hel-Cor pipe with annular ends and 125mm x 25mm corrugation profile, 600mm wide aluminized bolted couplers, including sloped quarried limestone rip rap on filter cloth end treatments, granular bedding and backfill, granular approaches, tile diversions, removal and disposal of existing deleterious materials, excavation, compaction, cleanup and restoration, complete.	Lump Sum	\$ 21,100.00
Estimated Net H.S.T. (1.76%)		\$ 371.00
<b>TOTAL FOR CONSTRUCTION</b>		<b>\$ 21,471.00</b>

**INCIDENTALS**

1) Report, Estimate, and Specifications	\$ 2,000.00
2) Survey, Assistants, Expenses, Drawings, Duplication Cost of Report and Drawings	\$ 4,500.00
3) Estimated Cost of Preparing Tender Documents	\$ 700.00
4) Estimated Cost of Construction Supervision and Inspection (based on 2 day)	\$ 1,600.00
5) Estimated Net H.S.T. on Items Above (1.76%)	\$ 155.00
6) Estimated Cost of E.R.C.A. permit	\$ 500.00
7) Estimated Contingency Allowance	\$ 1,074.00
<b>TOTAL FOR INCIDENTALS</b>	<b>\$ 10,529.00</b>
<b>TOTAL FOR CONSTRUCTION (brought forward)</b>	<b>\$ 21,471.00</b>
<b>TOTAL ESTIMATE</b>	<b>\$ 32,000.00</b>

**VII. DRAWINGS AND SPECIFICATIONS**

As part of this report, we have attached design drawings for the construction of this new access bridge. The design drawings show the subject bridge location and the details of the new access bridge installation. The design drawings are attached to the back of this report and are labelled **Appendix “REI-E”**.

Also attached, we have prepared Specifications which set out the required construction details for the proposed bridge installation, which also includes Standard Specifications within **Appendix “REI-C”**.

**VIII. CONSTRUCTION SCHEDULE OF ASSESSMENT**

We would recommend that all of the costs associated with the construction of this new access bridge, and the preparation of this Engineer's report, be assessed against the private lands of D

& M Mastronardi Management Ltd. in Part of Lot 281, Concession STR, in the Town of Kingsville. A Construction Schedule of Assessment has been prepared and included herein to indicate the lands assessed for this new access bridge installation.

It has been clearly established that this new access bridge is being provided to serve as the access from County Road 31 to an existing private parcel. Pursuant to the current Agricultural Drainage Infrastructure Program (A.D.I.P.) Policies that are in place, it is anticipated that these lands will not be eligible for a grant from the Ontario Ministry of Agriculture, Food and Rural Affairs (O.M.A.F.R.A.) in the amount of 1/3 of their total assessment for this project. Where a bridge structure has increased top width beyond the standard 6.10 metre (20.0 ft.) top width, all of the increased costs resulting from same are assessed 100% to the Owner, as provided for in the cost sharing set out in the attached Schedule of Assessment.

#### **IX. FUTURE MAINTENANCE**

We recommend that the bridge structure as identified herein, be maintained in the future as part of the drainage works. We would also recommend that the bridge, for which the maintenance costs are to be shared with the upstream lands and roads within the watershed, be maintained by the Town and that said maintenance would include works to the bridge culvert, bedding, backfill and end treatment. Should concrete, asphalt, or other decorative driveway surfaces over these bridge culverts require removal as part of the maintenance works, these surfaces shall also be repaired or replaced as part of the works. Likewise, if any fencing, gate, decorative walls, guardrails, or other special features exist that will be impacted by the maintenance work, they are also to be removed and restored or replaced as part of the bridge maintenance work. However, the cost of the supply and installation of any surface materials other than Granular "A" material and the cost of removal and restoration or replacement, if necessary, of any special features, shall be totally assessed to the benefiting adjoining Owner(s) served by said access bridge.

After the completion of all of the works included within this report, the access bridge within the West Townline Drain Upper shall be maintained in the future by the Town of Kingsville. Furthermore, if any maintenance work is required to this access bridge in the future, we recommend that 81.0% of the future maintenance costs shall be assessed as a Benefit against the abutting property being served by the access bridge, which is currently owned by D & M Mastronardi Management Ltd., in Part of Lot 281, Concession STR, and the remaining balance of 19.0% be assessed pro-rata against the upstream lands and roads based on their Outlet Liability assessment in the current applicable Schedule of Assessment for the drainage works.

The above provisions for the future maintenance of this new access bridge, being constructed under this report, shall remain as aforesaid until otherwise determined under the provisions of the "Drainage Act, R.S.O. 1990, Chapter D.17 as amended 2021".

All of which is respectfully submitted.

**Rood Engineering Inc.**

*Gerard Rood*

Gerard Rood, P.Eng.

tm

att.

**ROOD ENGINEERING INC.**

Consulting Engineers  
9 Nelson Street  
LEAMINGTON, Ontario N8H 1G6



**SCHEDULE OF ASSESSMENT**  
**WEST TOWNLINE DRAIN UPPER**  
**(Telus Bridge)**  
**Town of Kingsville**

**4. PRIVATELY OWNED - NON-AGRICULTURAL LANDS:**

Con.

or

Tax Roll <u>No.</u>	Plan <u>No.</u>	Lot or Part <u>of Lot</u>	Acres <u>Owned</u>	Acres <u>Afft'd</u>	Hectares <u>Afft'd</u>	Owner's Name	Value of <u>Benefit</u>	Value of <u>Outlet</u>	Value of Special <u>Benefit</u>	TOTAL <u>VALUE</u>
580-01006	STR	281	5.01	5.01	2.028	D&M Colasanti Management Ltd.	\$ 25,920.00	\$ 6,080.00	\$ -	\$ 32,000.00
<b>Total on Privately Owned - Non-Agricultural Lands.....</b>							<b>\$ 25,920.00</b>	<b>\$ 6,080.00</b>	<b>\$ -</b>	<b>\$ 32,000.00</b>
<b>TOTAL ASSESSMENT</b>							<b>\$ 25,920.00</b>	<b>\$ 6,080.00</b>	<b>\$ -</b>	<b>\$ 32,000.00</b>
<hr/>										

1 Hectare = 2.471 Acres

Project No. REI2024D020

August 28th, 2024



## **SPECIFICATIONS**

### **WEST TOWNLINE DRAIN UPPER**

#### **Bridge for Telus Mobility – D & M Colasanti Management Ltd.**

**(Geographic Township of Gosfield North)**

### **TOWN OF KINGSVILLE**

#### **I. GENERAL SCOPE OF WORK**

The West Townline Drain Upper currently comprises of an open Municipal drain generally located along the east side of County Road 23 (Arner Townline Road) and extending from its outlet in the West Townline Drain in Essex across from the 9th Concession Road, across the road to the east side and then northerly across King's Highway No. 3 and northerly to its upper end just south of County Road 34. The work under this project generally comprises of installing a new access bridge to serve the lands. The work on the bridge being installed includes the removal of the deleterious material in the drain near Station 0+091.3; the installation of a new culvert to serve the Telus Mobility tower site; new culvert end treatments comprising of sloped quarried limestone on filter cloth end protection; granular approaches and backfill; and granular transition areas.

All work shall be carried out in accordance with these specifications, the plans forming part of this drainage project, as well as the Standard Details included in **Appendix "REI-C"**. The bridge improvements and new construction shall be of the size, type, depth, etcetera, as is shown in the accompanying drawings, as determined from the Benchmarks, and as may be further laid out at the site at the time of construction. All work carried out under this project shall be completed to the full satisfaction of the Town Drainage Superintendent and the Consulting Engineer.

#### **II. E.R.C.A. AND D.F.O. CONSIDERATIONS**

The Contractor will be required to implement stringent erosion and sedimentation controls during the course of the work to help minimize the amount of silt and sediment being carried downstream into the Canard River. It is intended that work on this project be carried out during relatively dry weather to ensure proper site and drain conditions and to avoid conflicts with sediment being deposited into the outlet drainage system. All disturbed areas shall be restored as quickly as possible with grass seeding and mulching installed to ensure a protective cover and to minimize any erosion from the work site subsequent to construction. The Contractor may be required to provide temporary silt fencing and straw bales as outlined further in these specifications.

All of the work shall be carried out in accordance with any permits or authorizations issued by the Essex Region Conservation Authority (E.R.C.A.) or the Department of Fisheries and Oceans (D.F.O.), copies of which will be provided, if available, and the notes in Appendix “REI-A”. The Contractor is advised that no work may be carried out in the existing drain from March 15th to June 30th of any given year because the drain is directly connected to a downstream area that is classified as sensitive to impacts on aquatic life and habitat by E.R.C.A. and D.F.O.

As part of its work, the Contractor will implement the following measures that will ensure that any potential adverse effects on fish and fish habitat will be mitigated:

- a) As per standard requirements, work will not be conducted at times when flows in the drain are elevated due to local rain events, storms, or seasonal floods. Work will be done in the dry.
- b) All disturbed soils on the drain banks and within the channel, including spoil, must be stabilized immediately upon completion of work. The restoration of the site must be completed to a like or better condition to what existed prior to the works. The spoil material must be hauled away and disposed of at a suitable site, or spread an appropriate distance from the top of the drain bank to ensure that it is not washed back into the drain.
- c) To prevent sediment entry into the Drain, in the event of an unexpected rainfall, silt barriers and/or traps must be placed in the channel during the works and until the site has been stabilized. All sediment and erosion control measures are to be in accordance with related Ontario Provincial Standards. It is incumbent on the proponent and their Contractors to ensure that sediment and erosion control measures are functioning properly and are maintained and upgraded as required.
- d) Silt or sand accumulated in the barrier traps must be removed and stabilized on land once the site is stabilized.
- e) All activities including maintenance procedures should be controlled to prevent the entry of petroleum products, debris, rubble, concrete, or other deleterious substances into the water. Vehicular refuelling and maintenance should be conducted away from the water.

### **III. M.N.R.F. & M.E.C.P. ENDANGERED SPECIES ACT CONSIDERATIONS**

The Ministry of Natural Resources & Forestry (M.N.R.F.) Species at Risk former Town agreement with M.N.R.F. pursuant to Section 23 of the “Endangered Species Act, 2007” expired as of June 30th, 2015. The former agreements are replaced with new regulation provisions under Ontario Regulation 242/08 administered by the M.E.C.P. The Contractor is to note that the Ministry of Environment, Conservation and Parks (M.E.C.P.) screening process by way of a Species at Risk (S.A.R.) review of the M.E.C.P. “Endangered Species Act, 2007” (E.S.A.) will be completed as a self-assessment by the Town pursuant to Section 23.9 of the E.S.A. prior to construction. This Section allows the Town to conduct eligible works of repair, maintenance, and improvements to

existing municipal drains under the Drainage Act, and exemptions from Sections 9 and 10 of the E.S.A., provided that the requirements are followed in accordance with Ontario Regulation 242/08. The results of the review will be provided to the Contractor and copies of the mitigation measures, habitat protection and identification sheets will be included within Appendix “REI-B”. When eligible, the new regulations allow Municipalities to give notice to M.N.R.F. by registering their drainage activities through an online registry system.

The M.N.R.F. - M.E.C.P. mapping has basically confirmed that snake species including Butler's Garter Snake and Eastern Fox Snake are threatened and endangered, respectively, on this project. Because snakes are mobile and indicated as sensitive and endangered in the area, we have included herein a copy of the M.N.R.F. - M.E.C.P. mitigation requirements for them in Appendix “REI-B”. Providing mitigation requirements are implemented, it was concluded that present wildlife Species at Risk will be protected from negative impacts and the works will not contravene Section 9 (species protection) or Section 10 (habitat protection) of the Endangered Species Act, 2007.

The Contractor is to review Appendix “REI-B” in detail and is required to comply in all regards with the contents of said M.N.R.F. & M.E.C.P. measures, and follow the special requirements therein included during construction. Throughout the course of construction, the Contractor will be responsible to ensure that all necessary provisions are undertaken to protect all species at risk and their habitats including those in the N.H.I.C. table in the Appendix. If a threatened or sensitive species is encountered, the Contractor shall notify the Town and M.N.R.F. - M.E.C.P. and provide all the equipment and materials stipulated by the mitigation requirements for handling the species and cooperate fully with the Town and M.N.R.F. - M.E.C.P. staff in the handling of the species.

#### **IV. ACCESS TO WORK**

The Contractor is advised that the majority of the work to be carried out on this project extends along the east side of County Road 23. The Contractor shall have access for the full width of the roadway abutting the proposed drainage works. The Contractor may utilize the right-of-way as necessary, to permit the completion of all of the work required to be carried out for this project. The Contractor shall also have access into the driveway as necessary to carry out the removal of the deleterious material and to construct the new access bridge, as set out on the plans and in these specifications, along with a sufficient area in the vicinity of the bridge to carry out the required construction of the new structure installation and ancillary work.

The Contractor shall ensure that the traveling public is protected at all times while utilizing the roadway for its access. The Contractor shall provide traffic control, including flag persons when required. Should the Contractor have to close County Road 23 for the proposed works, it shall obtain the permission of the Town Drainage Superintendent or Consulting Engineer and arrange to provide the necessary notification of detours around the site. The Contractor shall also ensure that all emergency services, school bus companies, etcetera are contacted about the disruption

to access at least 48 hours in advance of same. All detour routes shall be established in consultation with the County of Essex and Kingsville Works Department.

Throughout the course of the work, it is imperative that the Contractor protect as much landscaping and vegetation as possible when accessing along the drain. This will be of particular concern along the lawn areas of residential properties. Due to the extent of the work and the area for carrying out the work, the Contractor will be required to carry out all of the necessary steps to direct traffic and provide temporary diversion of traffic around work sites, including provision of all lights, signs, flag persons, and barricades required to protect the safety of the traveling public. Any accesses or areas used in carrying out the works are to be fully restored to their original conditions by the Contractor at its cost, including topsoil placement and lawn restoration as directed by the Town Drainage Superintendent and the Consulting Engineer. Restoration shall include but not be limited to all necessary levelling, grading, shaping, topsoil, seeding, mulching, and granular placement required to make good any damage caused.

#### **V. REMOVAL OF BRUSH, TREES AND RUBBISH**

Where there is any brush, trees or rubbish along the course of the drainage works, including the full width of the work access, all such brush, trees or rubbish shall be close cut and grubbed out, and the whole shall be chipped up for recycling, burned or otherwise satisfactorily disposed of by the Contractor. The brush and trees removed along the course of the work are to be put into piles by the Contractor in locations where they can be safely chipped and disposed of, or burned by it, or hauled away and disposed of by the Contractor to a site to be obtained by it at its expense. Prior to and during the course of any burning operations, the Contractor shall comply with the guidelines prepared by the Air Quality Branch of the Ontario Ministry of the Environment; and shall ensure that the Environmental Protection Act is not violated. The Contractor will be required to notify the local fire authorities to obtain any permits and co-operate with them in the carrying out of any work. The removal of brush and trees shall be carried out in close consultation with the Town Drainage Superintendent or Consulting Engineer to ensure that no decorative trees or shrubs are disturbed by the operations of the Contractor that can be saved. It is the intent of this project to save as many trees and bushes as practical within the roadway allowances and on private lands. Where decorative trees or shrubs are located directly over drainage pipes, the Contractor shall carefully extract same and turn them over to the Owner when requested to do so and shall cooperate with the Owner in the reinstallation of same if required.

The Contractor shall protect all other trees, bushes, and shrubs located along the length of the drainage works except for those trees that are established, in consultation with the Town Drainage Superintendent, the Consulting Engineer, and the Owners, to be removed as part of the works. The Contractor shall note that protecting and saving the trees may require the Contractor to carry out hand work around the trees, bushes, and shrubs to complete the necessary final site grading and restoration.

Following the completion of the work, the Contractor is to trim up any broken or damaged limbs on trees which are to remain standing, and it shall dispose of said branches along with other brush, thus leaving the trees in a neat and tidy condition.

The Contractor shall remove all deleterious materials and rubbish along the course of the open drain in the location of the work areas and any such materials located in the bridge culverts and enclosures while carrying out its cleaning of same. All such deleterious materials and rubbish shall be loaded up and hauled away by the Contractor to a site to be obtained by it at its cost.

## **VI. FENCING**

Where it is necessary to take down any fence to proceed with the work, the same shall be done by the Contractor across or along that portion of the work where such fence is located. The Contractor will be required to exercise extreme care in the removal of any fencing so as to cause a minimum of damage to same. The Contractor will be required to reinstall any fence that is taken down in order to proceed with the work, and the fence shall be reinstated in a neat and workmanlike manner. The Contractor will not be required to procure any new materials for rebuilding the fence provided that it has used reasonable care in the removal and replacement of same. When any fence is removed by the Contractor, and the Owner thereof deems it advisable and procures new material for replacing the fence so removed, the Contractor shall replace the fence using the new materials and the materials from the present fence shall remain the property of the Owner.

## **VII. DETAILS OF OPEN DRAIN WORK**

The open drain shall be excavated to the lines, levels, grades and cross-sections as shown on the accompanying drawings, or as may be further established by the Town Drainage Superintendent or the Engineer at the time of the work. The drain shall be carefully excavated so as not to disturb the existing banks, rock protection and vegetation, except for those portions of the drain where widening or restoration of a stable drain bank configuration is required. The bottom width of the drain and the sideslopes of the excavation shall conform to the dimensions given on the drawings.

The drain shall be of the size, type, depth, etcetera as shown on the accompanying drawings. When completed, the drain shall have a uniform and even bottom and in no case shall such bottom project above the grade line, as shown on the accompanying drawings, and as determined from the Benchmarks. The finished side slopes of the drain shall be 1.5 metres horizontal to 1.0 metre vertical.

The excavated material to be cast onto the adjoining lands shall be well and evenly spread over a sufficient area so that no portion of the excavated earth is more than 100mm in depth. The material shall be kept at least 1.2 metres clear from the finished edge of the drain, care being

taken not to fill up any existing tiles, ditches, furrows or drains with the excavated material. The excavated material to be spread upon the lands shall be free from rocks, cobbles, boulders, stumps, rubble, rubbish or other similar material and these materials, if encountered, shall be hauled away by the Contractor and disposed of at a site to be obtained by it at its expense.

Where the drain crosses any lawn, garden, orchard, parking, roadway or driveway areas, the excavated material for the full width of the above-mentioned areas shall be hauled away by the Contractor and disposed of to a site to be obtained by the Contractor at its expense. All work at the disposal site shall be established between the Contractor and the site owner. The Contractor shall be responsible for any permits required and shall provide copies of same to the Town and Consulting Engineer when requested and comply with excess soil regulations.

Where there is any brush or rubbish in the course of the drain, including both side slopes of the drain, all such brush or rubbish shall be close cut and grubbed out. Where there is any brush or rubbish where the earth is to be spread, or on that strip of land between where the earth is to be spread and the edge of the drain, all such brush or rubbish shall be close cut and grubbed out. The whole is to be burned, chipped or otherwise satisfactorily disposed of by the Contractor.

#### **VIII. DETAILS OF BRIDGE WORK**

The Contractor shall provide all material, labour and equipment to install the new access bridge in the West Townline Drain Upper requiring work, along with endwall installations and other improvements as noted.

The new material is aluminized steel Type II Hel-Cor pipe. The new access bridge installation shall comprise of aluminized steel Type II helical pipe. All piping sections shall be connected by the use of 9 corrugation (9-C) bolted couplers installed around the complete circumference of the pipe in accordance with the manufacturer's recommendation. Each coupler shall be wrapped in filter cloth material around the complete circumference to ensure that there will be no soil migration through the joints and into the pipe through said connections.

The new pipe installation and the culvert future pipe replacement on this project shall be set to the grades as shown on the plans or as otherwise established herein and the Town Drainage Superintendent or the Consulting Engineer may make minor changes to the bridge alignment as they deem necessary to suit the site conditions. All work shall be carried out in general accordance with the items in the **STANDARD SPECIFICATIONS FOR ACCESS BRIDGE CONSTRUCTION** attached to this report and labelled **Appendix "REI-C"**.

#### **IX. CORRUGATED STEEL PIPE INSTALLATION**

The new corrugated steel pipe (CSP) to be installed on this project is required to be provided in the longest lengths that are available and shall not be less than 3.0 metres. Where the overall

access pipe length exceeds the standard pipe lengths, the Contractor shall connect the pipe sections together by use of a manufactured 9-C bolted coupler installed in accordance with the manufacturer's recommendations. All coupler joints shall be wrapped with a layer of filter cloth around the complete circumference so that it extends a minimum of 100mm beyond the coupler on each end, to ensure a positive seal against soil migration through the joints.

The Contractor shall note that the placement of any new culvert pipe shall be performed totally in the dry and it shall be prepared to take whatever steps are necessary to ensure same, all to the full satisfaction of the Town Drainage Superintendent or the Consulting Engineer. As part of the work, the Contractor will be required to clean out the drain along the full length of the pipe and for a distance of 3.05 metres (10 ft.) upstream and downstream of the pipe. The design parameters of the West Townline Drain Upper at the location of each new and replacement access bridge and enclosure installation consists of a 1.0m (3.28 ft.) bottom width, the grade shown on the profile, and 1.5 horizontal to 1.0 vertical sideslopes. The Contractor shall note that the pipe inverts are set at least 10% of the pipe diameter (or the pipe rise) below the drain bottom to provide the embedment required by E.R.C.A. and D.F.O. and to meet the minimum cover requirements for the pipe.

The installation of the complete length of the new culvert pipe, including all appurtenances, shall be completely inspected by the Town Drainage Superintendent or the Consulting Engineer's Inspector prior to backfilling any portions of same. Under no circumstance shall the Contractor commence the construction or backfill of the new culvert pipe without the site presence of the Town Drainage Superintendent or the Consulting Engineer's Inspector to inspect and approve said installation. The Contractor shall provide a minimum of two (2) working days' notice to the Town Drainage Superintendent or the Consulting Engineer prior to commencement of the work. The installation of the new culvert structure is to be performed during normal working hours of the Town Drainage Superintendent and the Consulting Engineer from Monday to Friday unless written authorization is provided by them to amend said working hours.

For the access bridge installation, once the new aluminized steel type II corrugated pipe has been satisfactorily set in place, the Contractor shall completely backfill same with granular material M.T.O. Type "B" O.P.S.S. Form 1010 with the following exception. The top 305mm (12") of the backfill material for the full top width of the access, and the full top width of the drain or the excavated trench, and any approaches to the west and transitions to the east shall be granular material M.T.O. Type "A" O.P.S.S. Form 1010. All of the driveway approach areas extending from the Townline roadway to the east face of the new bridge culvert shall be backfilled with compacted granular material M.T.O. Type "A" O.P.S.S. Form 1010, but only after all topsoil material has been completely removed and disposed of, and the minimum thickness of this granular material shall be 305mm (12"). All areas outside of the access driveway shall be backfilled with native material compacted to 95% of Standard Proctor Density and topped with a minimum of 50mm of topsoil and shall be seeded and mulched.

For hard surface driveway crossings, the top 305mm (12") of the backfill over the pipe below the hard surface treatment shall comprise granular material M.T.O. Type "A" O.P.S.S. Form 1010

compacted to a minimum of 100% Standard Proctor Density. The Contractor shall at all times be very careful when performing its backfilling and compaction operations so that no damage is caused to the pipe. To ensure that no damage is caused to the proposed pipe, alternative methods of achieving the required backfill compaction shall be submitted to the Consulting Engineer or the Town Drainage Superintendent for their approval prior to the commencement of this work. The Contractor shall restore the asphalt surface by placing a minimum of the existing thickness or a 90mm minimum thickness of Type HL-4 or equivalent SuperPave hot mix asphalt. The asphalt shall be supplied and placed in two (2) approximately equal lifts compacted to a value ranging from 92% to 96% of maximum relative density as per O.P.S.S. 310. For existing concrete driveways, the Contractor shall carefully remove the concrete to the nearest expansion joint. The concrete driveway shall be restored to the original length and width that was removed and include 150mm thick, 30mPa concrete, with 6%  $\pm 1\%$  air entrainment and 6x6-6/6 welded wire fabric reinforcing installed at the midpoint of the slab. All slab surfaces shall be finished to provide an appearance approximating the finish on the existing concrete driveway abutting the replacement.

The Contractor will be responsible to restore any damage caused to the roadways at its cost. All damaged hard surface roadway areas shall be neatly saw cut and the damaged materials removed and disposed of by the Contractor prior to carrying out any restoration work. The extent of the repairs shall be established in consultation with the Town Drainage Superintendent, the Road Authority, and the Consulting Engineer and the repairs shall be completed to their full satisfaction.

The Contractor is to note that any intercepted pipes or tiles along the length of the proposed culvert are to be extended and connected at its cost to the open drain at the end of the new culvert unless otherwise noted in the accompanying drawings.

The Contractor shall also note that the placing of the new access bridge culvert shall be completed so that it totally complies with the parameters established and noted in the Bridge Details and Tables for the culvert replacement. The culvert shall be set on an even grade and the placement shall be performed totally in the dry, and the Contractor should be prepared to take whatever steps are necessary to ensure same, all to the full satisfaction of the Town Drainage Superintendent or the Consulting Engineer. The Contractor shall also be required to supply a minimum of 100mm (4") of 20mm (3/4") clear stone bedding underneath the culvert pipe extending from the bottom of the drain to the culvert invert grade, all to the full satisfaction of the Town Drainage Superintendent or the Consulting Engineer. Furthermore, if an unsound base is encountered, it must be removed and replaced with 20mm (3/4") clear stone satisfactorily compacted in place to the full satisfaction of the Town Drainage Superintendent or the Consulting Engineer. The Contractor is to note that when replacing an access bridge or enclosure culvert, it shall be required to excavate a trench having a width not less than the new pipe outside diameter plus a 600mm working width on both sides of the new pipe to allow for proper installation of granular backfill and compaction of same. The Contractor shall also note that all culvert pipe installations are to be carried out with a minimum of 10% of their diameter or rise embedded below the drain design bottom, as shown and noted on the plan for each of the access bridge installations.

**X. REMOVALS**

Where existing access bridges and enclosures are to be completely removed and replaced, the Contractor shall be required to excavate and completely extract the existing concrete structure or culvert pipe and the existing endwalls in their entirety, as well as any other deleterious materials that may be encountered in removing same, excluding poured concrete headwalls that are to be reused. The Contractor shall neatly saw cut any concrete or asphalt surfaces over the pipes for a sufficient width to allow for the safe removal of same or go to the nearest expansion joint panel of the concrete driveways. The Contractor shall also be required to completely dispose of all removed materials to a site to be obtained by it at its own expense. The Contractor shall note that when headwalls are shown to be left in place, the Contractor shall protect same and carry out its work for the pipe replacement as noted above and dispose of any debris resulting from the work.

All unsuitable and deleterious materials from the excavation and removal of the existing bridge and enclosure culverts and drain cleaning shall be hauled away and disposed of by the Contractor to a site to be obtained by it at its expense. Likewise, any material excavated to allow for the granular approaches to the bridge, driveway transitions, or installation of new headwalls shall also be hauled away and disposed of by the Contractor in accordance with excess soil regulations.

**XI. CONCRETE FILLED JUTE BAG, PRECAST CONCRETE BLOCK OR SLOPED END PROTECTION**

Unless otherwise shown or noted, the Contractor is to provide new concrete filled jute bag headwalls, precast concrete block, or sloped quarried limestone on non-woven filter cloth end protection for the access bridges and enclosures being replaced or constructed on this drain.

The concrete filled jute bags are to be provided and laid out as is shown and detailed in the drawings provided by the Town and as noted in the Standard Specifications in **Appendix “REI-C”**. In all cases, the concrete filled jute bag headwalls shall be topped with a minimum 100mm (4") thick continuous concrete cap comprising 30mPa concrete with 6%  $\pm 1\%$  air entrainment for the entire length of the headwalls. The headwalls shall be installed on an inward batter to be not less than 1 horizontal to 5 vertical, and under no circumstances shall this batter, which is measured from the top of the headwall to the projection of the end of the pipe, be less than 305mm (12"). From the midpoint of the pipe height down to the concrete footing, the wall shall be a double concrete filled jute bag installation. On the roadside the walls shall be deflected as shown to provide daylighting and a better approach across the new bridge.

The installation of the concrete filled jute bag headwalls, unless otherwise specified, shall be provided in total compliance with the Items 1, 3, and 4 included in the **“STANDARD SPECIFICATIONS FOR ACCESS BRIDGE CONSTRUCTION”**. These are attached to the back of these specifications and labelled **Appendix “REI-C”**. The Contractor shall comply in all respects with

the General Conditions included in Item 4 and the **“Typical Concrete Filled Jute Bag Headwall End Protection”** detail also shown therein.

The Contractor shall install decorative interlocking precast concrete blocks with filter cloth backing for walls on both ends of the bridges requiring same. The blocks shall be minimum 600X600X1200mm in size as available from Underground Specialties - Wolseley, Windsor, Ontario, or equal, and installed as set out in **Appendix "REI-C"**. Vertical joints shall be staggered by use of half blocks where needed and wingwall deflections when required shall employ 45-degree angled blocks. Voids between the blocks and the pipe shall be grouted with 30MPa concrete having 6%  $\pm 1\%$  air entrainment and extend for the full thickness of the wall and have a smooth uniform finish on the face that blends with the precast blocks. The installation of the endwalls, as well as the backfilling of the pipe where applicable, shall be provided in compliance with Items 1), 3), and 4) of the "Standard Specifications for Access Bridge Construction" attached within **Appendix "REI-C"** and in total compliance and in all respects with the General Conditions included in said Appendix. The Contractor shall submit shop drawings for approval of the wall installation that includes details for a minimum 300mm thick concrete footing that extends from the pipe invert downward. The footing shall extend into the drain banks each side for the required embedment of the blocks and be constructed to ensure that the completed wall will be completely vertical or tipped slightly back towards the driveway. Where the block walls extend more than 1.8 metres in height, the supplier shall provide the Contractor with uni-axial geogrid (SG350 or equivalent) reinforcement for installation to tie the wall back into the granular backfill. The Contractor, in all cases, shall comply with these specifications and upon completion of the stacked precast concrete end protection installation shall restore the adjacent areas to their original conditions. The Contractor shall supply quarried limestone on filter cloth rock protection adjacent to the headwalls at each corner of the bridge. All rock protection shall be 1.0 metres wide and 305mm (12") thick, installed on non-woven filter cloth, and shall be installed in accordance with Item 2) of the "Standard Specifications for Access Bridge Construction". The synthetic filter mat to be used shall be non-woven geotextile GMN160 conforming to O.P.S.S. 1860 Class I, as available from Armetec Construction Products through Underground Specialties - Wolseley in Windsor, Ontario or equal. The quarried limestone to be used shall be graded in size from a minimum of 100mm to a maximum of 250mm, and is available from Walker Industries Amherst Quarries, in Amherstburg, Ontario, or equal.

Where sloped end protection is specified, the top 305mm (12") of backfill material over the ends of the access pipe, from the invert of said pipe to the top of the driveway elevation of the access bridge or enclosure, shall be quarried limestone. The quarried limestone shall be provided as shown and detailed on the plans or as indicated in the Standard Specifications in **Appendix "REI-C"** and shall be graded in size from a minimum of 100mm (4") to a maximum of 250mm (10"). The quarried limestone to be placed on the sloped ends of an access bridge or enclosure shall be underlain with a synthetic **non-woven** geotextile filter fabric. The sloped quarried limestone protection is to be rounded as shown on the plan details and shall also extend along the drain side slopes to a point directly in line with the ends of the culvert pipe. The roadside approach to the entrance shall be provided with a minimum 5.0m radius at each end of the driveway

**Specifications** – West Townline Drain Upper  
Telus Bridge – H & M Colasanti Management Ltd.  
Town of Kingsville - REI2024D020

2024-08-28

entrance. All work shall be completed to the full satisfaction of the Town Drainage Superintendent or the Consulting Engineer.

The installation of the sloped quarried limestone end protection, unless otherwise specified herein, shall be provided in total compliance with Item 2), 3), and 4) of the **"STANDARD SPECIFICATIONS FOR ACCESS BRIDGE CONSTRUCTION"**. These are attached to the back of these specifications and labelled **Appendix "REI-C"**. The Contractor shall comply in all respects with the General Conditions included in Item 4 and the **"Typical Quarried Limestone End Protection Detail"** also in **Appendix "REI-C"**.

The quarried limestone erosion protection shall be embedded into the sideslopes of the drain a minimum thickness of 305mm and shall be underlain in all cases with non-woven synthetic filter mat. The filter mat shall not only be laid along the flat portion of the erosion protection, but also contoured to the exterior limits of the quarried limestone and the unprotected slope. The width of the erosion protection shall be as established in the accompanying drawings or as otherwise directed by the Town Drainage Superintendent or the Consulting Engineer during construction. In placing the erosion protection, the Contractor shall carefully tamp the quarried limestone pieces into place with the use of the excavator bucket so that the erosion protection when completed will be consistent, uniform and tightly laid. In no instance shall the quarried limestone protrude beyond the exterior contour of the unprotected drain sideslopes along either side of said protection. The synthetic filter mat fabric to be used shall be non-woven geotextile GMN160 conforming to O.P.S.S. 1860 Class I, as available from Armtec Construction Products, or equal. The quarried limestone to be used shall be graded in size from a minimum of 100mm to a maximum of 250mm, and is available from Walker Aggregates Amherst Quarries, in Amherstburg, Ontario, or equal.

## **XII. BENCHMARKS**

Also, for use by the Contractor, we have established Benchmarks along the course of the work and especially at the locations where existing access bridges are being replaced or new bridges are being constructed.

For each of the bridge replacements and new bridges, the plans include details illustrating the work to be carried out. For each bridge detail a Benchmark has been indicated and the Elevation has been shown and may be utilized by the Contractor in carrying out its work. The Contractor shall note that in each case a specific design elevation grade has been provided for the invert at each end of the pipe in the table accompanying each detail. The table also sets out the pipe size, materials, and other requirements relative to the installation of the culvert structure. In all cases, the Contractor is to utilize the specified drain grade to set any new pipe installation. The Contractor shall ensure that it takes note of the direction of flow and sets all pipes to assure that all grades flow from north to south to match the direction of flow within the drain. The Contractor's attention is drawn to the fact that the pipe invert grades established herein provide

for the pipes to be set at least 10% of their diameter or pipe rise below the existing drain bottom or the design grade of the drain, whichever is lower.

### **XIII. ANCILLARY WORK**

During the course of any work to the bridges and enclosures along the length of the project, the Contractor will be required to protect or extend any existing tile ends or swales and connect them to the drainage works to maintain the drainage from the adjacent lands. All existing tiles shall be extended utilizing solid Big 'O' "standard tile ends" or equal plastic pipe of the same diameter as the existing tile and shall be installed in accordance with the "**Standard Lateral Tile Detail**" included in the plans, unless otherwise noted. Connections shall be made using a manufacturer's coupling where possible. Wherever possible, tiles shall be extended to outlet beyond the end of any access culverts. When required, openings into new pipes shall be neatly bored, saw cut or burned with a torch to the satisfaction of the Town Drainage Superintendent or the Consulting Engineer. All cuts to steel pipes shall be touched up with a thick coat of zinc rich paint (Galvicon or equal) in accordance with the manufacturer's recommendations. For other connections, the Contractor shall utilize a grouted connection. Grouted mortar joints shall be composed of three (3) parts of clean, sharp sand to one (1) part of Portland cement with just sufficient water added to provide a stiff plastic mix, and the mortar connection shall be performed to the full satisfaction of the Town Drainage Superintendent or the Consulting Engineer. The mortar joint shall be of a sufficient mass around the full circumference of the joint on the exterior side to ensure a tight, solid seal. The Contractor is to note that any intercepted pipes along the length of the existing culverts and enclosures are to be extended and connected to the open drain unless otherwise noted in the accompanying drawings.

Where the bridge or enclosure installation interferes with the discharge of an existing swale, the Contractor shall re-grade the existing swales to allow for the surface flows to freely enter the drain. Any disturbed grass areas shall be fully restored with topsoil, seed and mulch.

All granular backfill for the bridge and enclosure installations shall be satisfactorily compacted in place to a minimum Standard Proctor Density of 98% by means of mechanical compaction equipment. All other good, clean, native fill material or topsoil to be utilized, where applicable, shall be compacted in place to a minimum Standard Proctor Density of 95%. All of the backfill material, equipment used, and method of compacting the backfill material shall be provided and performed to the full satisfaction of the Town Drainage Superintendent or Consulting Engineer.

Where the Contractor removes concrete or asphalt hard surfaces over the pipes, the Contractor shall restore the hard surfaces as previously outlined. The Contractor will be responsible to restore any damage caused to these driveways at its cost. All damaged hard surface driveway areas shall be neatly saw cut and the damaged materials removed and disposed of by the Contractor prior to carrying out any restoration work.

The new H.D.P.E. pipes or corrugated aluminized steel type II pipes for these installations are to be provided with a minimum depth of cover measured from the top of the pipe of 305mm (12") for a round pipe and 500mm for a pipe arch. If the bridge culvert pipes are placed at their proper elevations, same should be achieved. If the Contractor finds that the minimum cover is not being met, they shall notify the Town Drainage Superintendent and the Consulting Engineer immediately so that steps can be taken to rectify the condition prior to the placement of any backfill. The minimum cover requirement is **critical** and must be attained. In order for these new access bridge culverts to properly fit the channel parameters, **all of the design grade elevations must be strictly adhered to.**

As a check, all of the above access bridge and enclosure culvert design grade elevations should be confirmed before commencing to the next stage of the access bridge or enclosure installation. The Contractor is also to check that the pipe invert grades are correct by referencing the Benchmark.

Although it is anticipated that the culvert installation at each site shall be undertaken in the dry, the Contractor shall supply and install a temporary straw bale or silt curtain check dam in the drain bottom immediately downstream of each culvert site during the time of construction. The straw bale or silt curtain check dam shall be to the satisfaction of the Town Drainage Superintendent or Consulting Engineer and must be removed upon completion of the construction. The check dam materials may be reused at each site subject to their condition. All costs associated with the supply and installation of this straw bale or silt curtain check dam shall be included in the cost bid for the bridge replacements.

#### **XIV. TOPSOIL, SEED AND MULCH**

The Contractor shall be required to restore all existing grassed areas and drain side slopes damaged by the structure replacements, construction or cutting of the drain cross section, by placing topsoil, and then seed and mulch over said areas including any specific areas noted on the bridge details. The Contractor shall be required to provide all the material and to cover the above-mentioned surfaces with approximately 50mm of good, clean, dry topsoil on slopes and 100mm of good, clean, dry topsoil on horizontal surfaces, fine graded and spread in place ready for seeding and mulching. The placing and grading of any topsoil shall be carefully and meticulously carried out in accordance with Ontario Provincial Standard Specifications, Form 802 dated November 2010, or as subsequently amended, or as amended by these specifications and be readied for the seeding and mulching process. The seeding and mulching of all of the above-mentioned areas shall comply in all regards to Ontario Provincial Standard Specifications, Form 803 dated November 2010 and Form 804, dated November 2013, or as subsequently amended, or as amended by these specifications. The seeding mixture shall be the Standard Roadside Mix (Canada No. 1 Lawn Grass Seed Mixture) as set out in O.P.S.S. 804. All cleanup and restoration work shall be performed to the full satisfaction of the Town Drainage Superintendent or Engineer.

When all of the work for this installation has been completed, the Contractor shall ensure that positive drainage is provided to all areas; and shall ensure that the site is left in a neat and workmanlike manner, all to the full satisfaction of the Town Drainage Superintendent or Engineer.

## **XV. SPECIAL PROVISIONS FOR REPLACEMENT, REPAIR AND IMPROVEMENTS**

The Contractor shall provide for the construction and improvements to the access bridges and enclosures along the West Townline Drain Upper, for the structures noted, as follows:

### **New Bridge**

The Contractor shall completely remove the existing topsoil and vegetation in the area of the proposed new bridge and clean out the drain bottom. The Contractor will then be required to install the new aluminized steel pipe as set out in the chart forming part of the details for the Telus Bridge on the plans. The Contractor shall install sloped quarried limestone on filter cloth protection on each end. The Contractor shall protect any tile outlets on the banks at each end of the structure and divert and extend same as necessary to accommodate the new culvert. All work shall be carried out in accordance with these specifications and the requirements in Appendix **"REI-C"**.

## **XVI. GENERAL CONDITIONS**

- a) The Town Drainage Superintendent or Consulting Engineer shall have authority to carry out minor changes to the work where such changes do not lessen the efficiency of the work.
- b) The Contractor shall satisfy itself as to the exact location, nature and extent of any existing structure, utility or other object which it may encounter during the course of the work. The Contractor shall indemnify and save harmless the County of Essex, Town of Kingsville and the Consulting Engineer and their representatives for any damages which it may cause or sustain during the progress of the work. It shall not hold the County of Essex, Town of Kingsville or the Consulting Engineer liable for any legal action arising out of any claims brought about by such damage caused by it.
- c) The Contractor shall provide a sufficient number of layout stakes and grade points so that the Drainage Superintendent and Consulting Engineer can review same and check that the work will generally conform to the design and project intent.
- d) The Contractor will be responsible for any damage caused by it to any portion of the Town road system, especially to the travelled portion. When excavation work is being carried out and the excavation equipment is placed on the travelled portion of the road, the travelled portion shall be protected by having the excavation equipment placed on satisfactory timber

planks or timber pads. If any part of the travelled portion of the road is damaged by the Contractor, the Town shall have the right to have the necessary repair work done by its' employees and the cost of all labour and materials used to carry out the repair work shall be deducted from the Contractor's contract and credited to the Town. The Contractor, upon completing the works, shall clean all debris and junk, etcetera, from the roadside of the drain, and leave the site in a neat and workmanlike manner. The Contractor shall be responsible for keeping all public roadways utilized for hauling materials free and clear of mud and debris.

- e) The Contractor shall provide all necessary lights, signs, and barricades to protect the public. All work shall be carried out in accordance with the requirements of the Occupational Health and Safety Act, and latest amendments thereto. If traffic control is required on this project, signing is to comply with the M.T.O. Manual of Uniform Traffic Control Devices (M.U.T.C.D.) for Roadway Work Operations and Ontario Traffic Manual Book 7.
- f) During the course of the work the Contractor shall be required to connect existing drainage pipes to the Municipal Drain. In the event that polluted flows are discovered, the Contractor shall delay the connection of the pipe and leave the end exposed and alert the Town, the Drainage Superintendent and the Consulting Engineer so that steps can be taken by the Town to address the concern with the owner and the appropriate authorities. Where necessary the Contractor shall cooperate with the Town in providing temporary measures to divert the drain or safely barricade same. Should the connection be found acceptable by the authorities, the Contractor shall complete the connection of the drain as provided for in the specifications, at no extra cost to the project.
- g) Following the completion of the work, the Contractor is to trim up any broken or damaged limbs on trees which are to remain standing, and it shall dispose of said branches along with other brush, thus leaving the trees in a neat and tidy condition.
- h) The whole of the work shall be satisfactorily cleaned up, and during the course of the construction, no work shall be left in any untidy or incomplete state before subsequent portions are undertaken.
- i) During the course of the project the Contractor shall deal with any excess soil management from the project in accordance with Ontario Reg 406/19 pursuant to the Environmental Protection Act, R.S.O. 1990, c. E.19 and any subsequent amendments to same.
- j) All driveways, laneways and access bridges, or any other means of access on to the job site shall be fully restored to their former condition at the Contractor's expense. Before authorizing Final Payment, the Town Drainage Superintendent and the Consulting Engineer shall inspect the work in order to be sure that the proper restoration has been performed. In the event that the Contractor fails to satisfactorily clean up any portion of these accesses, the Consulting Engineer shall order such cleanup to be carried out by others and the cost of same be deducted from any monies owing to the Contractor.

- k) The Contractor will be required to submit to the Town, a Certificate of Good Standing from the Workplace Safety and Insurance Board prior to the commencement of the work and the Contractor will be required to submit to the Town, a Certificate of Clearance for the project from the Workplace Safety and Insurance Board before Final Payment is made to the Contractor.
- l) The Contractor shall furnish a Performance and Maintenance Bond along with a separate Labour and Material Payment Bond within ten (10) days after notification of the execution of the Agreement by the Town. One copy of said bonds shall be bound into each of the executed sets of the Contract. Each Performance and Maintenance Bond and Labour and Material Payment Bond shall be in the amount of 100% of the total Tender Price. All Bonds shall be executed under corporate seal by the Contractor and a surety company, authorized by law to carry out business in the Province of Ontario. The Bonds shall be acceptable to the Town in every way and shall guarantee faithful performance of the contract during the period of the contract, including the period of guaranteed maintenance which will be in effect for twelve (12) months after substantial completion of the works.

The Tenderer shall include the cost of bonds in the unit price of the Tender items as no additional payment will be made in this regard.

- m) The Contractor shall be required, as part of this Contract, to provide Comprehensive Liability Insurance coverage for not less than \$5,000,000.00 on this project; and shall name the County of Essex, Town of Kingsville and its' officials and the Consulting Engineer and their staff as additional insured under the policy. The Contractor must submit a copy of this policy to both the Town Clerk and the Consulting Engineer prior to the commencement of work.
- n) Monthly progress orders for payment shall be furnished the Contractor by the Town Drainage Superintendent. Said orders shall be for not more than 90% of the value of the work done and the materials furnished on the site. The paying of the full 90% does not imply that any portion of the work has been accepted. The remaining 10% will be paid 60 days after the final acceptance and completion of the work and payment shall not be authorized until the Contractor provides the following:
  - i) a Certificate of Clearance for the project from the Workplace Safety and Insurance Board
  - ii) proof of advertising
  - iii) a Statutory Declaration, in a form satisfactory to the Engineer and the Town, that all liabilities incurred by the Contractor and its Sub-Contractors in carrying out the Contract have been discharged and that all liens in respect of the Contract and Sub-Contracts thereunder have expired or have been satisfied, discharged or provided for by payment into Court.

The Contractor shall satisfy the Consulting Engineer or Town that there are no liens or claims against the work and that all of the requirements as per the Construction Act, 2018 and its' subsequent amendments have been adhered to by the Contractor.

- o) In the event that the Specifications, Information to Tenderers, or the Form of Agreement do not apply to a specific condition or circumstance with respect to this project, the applicable section or sections from the Canadian Construction Documents Committee C.C.D.C.2 shall govern and be used to establish the requirements of the work.
- p) Should extra work be required by the Town Drainage Superintendent or Consulting Engineer, and it is done on a time and material basis, the actual cost of the work will be paid to the Contractor with a 15% markup on the total actual cost of labour, equipment and materials needed to complete the extra work.
- q) The Contractor shall provide shop drawings of the proposed wall for decorative precast concrete block headwalls for approval by the Drainage Superintendent or Engineer prior to construction.



## APPENDIX "REI-A"



## **STANDARD E.R.C.A. AND D.F.O.**

### **MITIGATION REQUIREMENTS**

As part of its work, the Contractor will implement the following measures that will ensure that any potential adverse effects on fish and fish habitat will be mitigated:

1. As per standard requirements, work will not be conducted at times when flows in the drain are elevated due to local rain events, storms, or seasonal floods. Work will be done in the dry.
2. All disturbed soils on the drain banks and within the channel, including spoil, must be stabilized immediately upon completion of work. The restoration of the site must be completed to a like or better condition to what existed prior to the works. The spoil material must be hauled away and disposed of at a suitable site, or spread an appropriate distance from the top of the drain bank to ensure that it is not washed back into the drain.
3. To prevent sediment entry into the drain in the event of an unexpected rainfall, silt barriers and/or traps must be placed in the channel during the works and until the site has been stabilized. All sediment and erosion control measures are to be in accordance with the related Ontario Provincial Standards. It is incumbent on the proponent and Contractors to ensure that sediment and erosion control measures are functioning properly and maintained/upgraded as required.
4. Silt or sand accumulated in the barrier traps must be removed and stabilized on land once the site is stabilized.
5. All activities including maintenance procedures should be controlled to prevent the entry of petroleum products, debris, rubble, concrete, or other deleterious substances into the water. Vehicular refuelling and maintenance should be conducted away from the water.
6. Any drain banks trimmed outside of the July 1st to September 15th timing window will require bio-degradable erosion control blankets to be installed to promote re-vegetation and to protect the slope from erosion in the interim.



# Measures to Avoid Causing Harm to Fish and Fish Habitat

If you are conducting a project near water, it is your responsibility to ensure you avoid causing [serious harm to fish](#) in compliance with the *Fisheries Act*. The following advice will help you avoid causing harm and comply with the *Act*.

**PLEASE NOTE:** This advice applies to all project types and replaces all “Operational Statements” previously produced by DFO for different project types in all regions.

## Measures

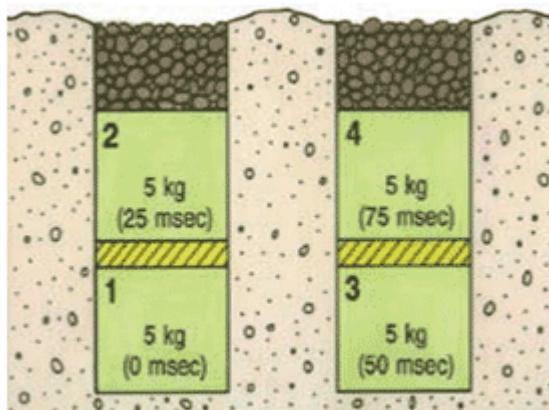
- Time work in water to respect [timing windows](#) to protect fish, including their eggs, juveniles, spawning adults and/or the organisms upon which they feed.
- Minimize duration of in-water work.
- Conduct instream work during periods of low flow, or at low tide, to further reduce the risk to fish and their habitat or to allow work in water to be isolated from flows.
- Schedule work to avoid wet, windy and rainy periods that may increase erosion and sedimentation.
- Design and plan activities and works in waterbody such that loss or disturbance to aquatic habitat is minimized and sensitive spawning habitats are avoided.
- Design and construct approaches to the waterbody such that they are perpendicular to the watercourse to minimize loss or disturbance to riparian vegetation.
- Avoid building structures on meander bends, braided streams, alluvial fans, active floodplains or any other area that is inherently unstable and may result in erosion and scouring of the stream bed or the built structures.
- Undertake all instream activities in isolation of open or flowing water to maintain the natural flow of water downstream and avoid introducing sediment into the watercourse.
- Plan activities near water such that materials such as paint, primers, blasting abrasives, rust solvents, degreasers, grout, or other chemicals do not enter the watercourse.
- Develop a response plan that is to be implemented immediately in the event of a sediment release or spill of a deleterious substance and keep an emergency spill kit on site.
- Ensure that building material used in a watercourse has been handled and treated in a manner to prevent the release or leaching of substances into the water that may be deleterious to fish.

- Develop and implement an Erosion and Sediment Control Plan for the site that minimizes risk of sedimentation of the waterbody during all phases of the project. Erosion and sediment control measures should be maintained until all disturbed ground has been permanently stabilized, suspended sediment has resettled to the bed of the waterbody or settling basin and runoff water is clear. The plan should, where applicable, include:
  - Installation of effective erosion and sediment control measures before starting work to prevent sediment from entering the water body.
  - Measures for managing water flowing onto the site, as well as water being pumped/diverted from the site such that sediment is filtered out prior to the water entering a waterbody. For example, pumping/diversion of water to a vegetated area, construction of a settling basin or other filtration system.
  - Site isolation measures (e.g., silt boom or silt curtain) for containing suspended sediment where in-water work is required (e.g., dredging, underwater cable installation).
  - Measures for containing and stabilizing waste material (e.g., dredging spoils, construction waste and materials, commercial logging waste, uprooted or cut aquatic plants, accumulated debris) above the high water mark of nearby waterbodies to prevent re-entry.
  - Regular inspection and maintenance of erosion and sediment control measures and structures during the course of construction.
  - Repairs to erosion and sediment control measures and structures if damage occurs.
  - Removal of non-biodegradable erosion and sediment control materials once site is stabilized.
- Clearing of riparian vegetation should be kept to a minimum: use existing trails, roads or cut lines wherever possible to avoid disturbance to the riparian vegetation and prevent soil compaction. When practicable, prune or top the vegetation instead of grubbing/uprooting.
- Minimize the removal of natural woody debris, rocks, sand or other materials from the banks, the shoreline or the bed of the waterbody below the ordinary high water mark. If material is removed from the waterbody, set it aside and return it to the original location once construction activities are completed.
- Immediately stabilize shoreline or banks disturbed by any activity associated with the project to prevent erosion and/or sedimentation, preferably through re-vegetation with native species suitable for the site.
- Restore bed and banks of the waterbody to their original contour and gradient; if the original gradient cannot be restored due to instability, a stable gradient that does not obstruct fish passage should be restored.
- If replacement rock reinforcement/armouring is required to stabilize eroding or exposed areas, then ensure that appropriately-sized, clean rock is used; and that rock is installed at a similar slope to maintain a uniform bank/shoreline and natural stream/shoreline alignment.
- Remove all construction materials from site upon project completion.

- Ensure that all in-water activities, or associated in-water structures, do not interfere with fish passage, constrict the channel width, or reduce flows.
- Retain a qualified environmental professional to ensure applicable permits for relocating fish are obtained and to capture any fish trapped within an isolated/enclosed area at the work site and safely relocate them to an appropriate location in the same waters. Fish may need to be relocated again, should flooding occur on the site.
- Screen any water intakes or outlet pipes to prevent entrainment or impingement of fish. Entrainment occurs when a fish is drawn into a water intake and cannot escape. Impingement occurs when an entrapped fish is held in contact with the intake screen and is unable to free itself.
  - In freshwater, follow these measures for design and installation of intake end of pipe fish screens to protect fish where water is extracted from fish-bearing waters:
    - Screens should be located in areas and depths of water with low concentrations of fish throughout the year.
    - Screens should be located away from natural or artificial structures that may attract fish that are migrating, spawning, or in rearing habitat.
    - The screen face should be oriented in the same direction as the flow.
    - Ensure openings in the guides and seals are less than the opening criteria to make “fish tight”.
    - Screens should be located a minimum of 300 mm (12 in.) above the bottom of the watercourse to prevent entrainment of sediment and aquatic organisms associated with the bottom area.
    - Structural support should be provided to the screen panels to prevent sagging and collapse of the screen.
    - Large cylindrical and box-type screens should have a manifold installed in them to ensure even water velocity distribution across the screen surface. The ends of the structure should be made out of solid materials and the end of the manifold capped.
    - Heavier cages or trash racks can be fabricated out of bar or grating to protect the finer fish screen, especially where there is debris loading (woody material, leaves, algae mats, etc.). A 150 mm (6 in.) spacing between bars is typical.
    - Provision should be made for the removal, inspection, and cleaning of screens.
    - Ensure regular maintenance and repair of cleaning apparatus, seals, and screens is carried out to prevent debris-fouling and impingement of fish.
    - Pumps should be shut down when fish screens are removed for inspection and cleaning.
- Avoid using explosives in or near water. Use of explosives in or near water produces shock waves that can damage a fish swim bladder and rupture internal organs. Blasting vibrations may also kill or damage fish eggs or larvae.
  - If explosives are required as part of a project (e.g., removal of structures such as piers, pilings, footings; removal of obstructions such as beaver dams; or preparation of a river or lake bottom for installation of a structure such as a dam or water intake), the potential for impacts to fish and fish habitat should be minimized by implementing the following measures:

- Time in-water work requiring the use of explosives to prevent disruption of vulnerable fish life stages, including eggs and larvae, by adhering to appropriate fisheries [timing windows](#).
- Isolate the work site to exclude fish from within the blast area by using bubble/air curtains (i.e., a column of bubbled water extending from the substrate to the water surface as generated by forcing large volumes of air through a perforated pipe/hose), cofferdams or aquadams.
- Remove any fish trapped within the isolated area and release unharmed beyond the blast area prior to initiating blasting
- Minimize blast charge weights used and subdivide each charge into a series of smaller charges in blast holes (i.e., decking) with a minimum 25 millisecond (1/1000 seconds) delay between charge detonations (see Figure 1).
- Back-fill blast holes (stemmed) with sand or gravel to grade or to streambed/water interface to confine the blast.
- Place blasting mats over top of holes to minimize scattering of blast debris around the area.
- Do not use ammonium nitrate based explosives in or near water due to the production of toxic by-products.
- Remove all blasting debris and other associated equipment/products from the blast area.

**Figure 1: Sample Blasting Arrangement**



Per Fig. 1: 20 kg total weight of charge; 25 msec delay between charges and blast holes; and decking of charges within holes.

- Ensure that machinery arrives on site in a clean condition and is maintained free of fluid leaks, invasive species and noxious weeds.

- Whenever possible, operate machinery on land above the high water mark, on ice, or from a floating barge in a manner that minimizes disturbance to the banks and bed of the waterbody.
- Limit machinery fording of the watercourse to a one-time event (i.e., over and back), and only if no alternative crossing method is available. If repeated crossings of the watercourse are required, construct a temporary crossing structure.
- Use temporary crossing structures or other practices to cross streams or waterbodies with steep and highly erodible (e.g., dominated by organic materials and silts) banks and beds. For fording equipment without a temporary crossing structure, use stream bank and bed protection methods (e.g., swamp mats, pads) if minor rutting is likely to occur during fording.
- Wash, refuel and service machinery and store fuel and other materials for the machinery in such a way as to prevent any deleterious substances from entering the water.

Date modified:

2013-11-25



## APPENDIX "REI-B"



## SCHEDULE C

### MITIGATION PLAN

The Municipality shall undertake measures to minimize adverse effects on species at risk in accordance with the general conditions described in Part B and taxa-specific conditions described in Part C, and the monitoring and reporting requirements described in Part D of this Mitigation Plan.

#### **PART A. DEFINITIONS**

##### **1. Definitions:**

1.1. In this Schedule, the following words shall have the following meanings:

"DFO" means Fisheries and Oceans Canada;

"MNR" means the Aylmer District Office of the Ministry of Natural Resources;

"Contact" means to contact the MNR in accordance with the notification/contact schedule provided to the Municipality by the MNR Designated Representative from time to time;

"Holding Tub" means a large, light-coloured container fitted with a non-airtight latchable lid approved by the MNR for the temporary storage of captured snakes, turtles, amphibians, birds or eggs;

"Interagency Notification Form" means the form issued by DFO, available at [www.dfo-mpo.gc.ca](http://www.dfo-mpo.gc.ca), which is required to be completed when a drain is being maintained or constructed;

"Monitoring and Reporting Form" means the document that must be completed by the Municipality in accordance with Part D to this Schedule and will be provided to the Municipality;

"Ontario Operational Statement" means one of the documents issued by DFO, available at [www.dfo-mpo.gc.ca](http://www.dfo-mpo.gc.ca), that sets out the conditions and measures to be incorporated into a project in order to avoid negative impacts to fish and fish habitat in Ontario, as modified from time to time;

"Process Charts" means the charts attached as Part E to this Schedule which describe the steps set out in this Mitigation Plan;

"Seasonal Timing Windows Chart" means the chart attached as Part G to this schedule which describes the Sensitive Periods applicable to each Taxonomic Group;

"Sensitive Area" means a geographic area in the Municipality where additional mitigation measures are required to be undertaken for one or more Taxonomic Groups;

"Sensitive Areas Map" means any one of the maps attached as Part F to this schedule which sets out the applicable Sensitive Areas;

"Sensitive Period" means a time of year set out in the Seasonal Timing Windows Chart during which taxa-specific mitigation measures are required to be undertaken for a Taxonomic Group because of ambient air/water temperatures, water-levels or important life-history stages;

"Taxonomic Group" means the distinct group comprising one or more Species based on their taxonomic relationship and common approaches to mitigating adverse effects (i.e., fish, mussels, turtles, snakes, amphibians, birds or plants); and

"Work Zone" means the geographic area in the Municipality where an Activity in respect of one of the Drainage Works is being conducted.

- 1.2. For greater certainty, any defined terms that are not defined in section 1.1 have the same meanings as in the Agreement.

## **PART B. GENERAL MEASURES TO MINIMIZE ADVERSE EFFECTS**

### **2. Process Charts**

- 2.1. The general steps set out in this Part B are visually described in the Process Charts (Part E).

### **3. Review of Documentation**

- 3.1. Prior to conducting any Activities in respect of the Drainage Works the Municipality shall determine if conditions apply to the place, time or manner in which the Municipality wishes to pursue them by reviewing:

- (a) the Sensitive Areas Maps (Part F) to determine if the Work Zone for the proposed Activities will occur within a Sensitive Area;
- (b) the DFO Reference Guide for Fish and Mussel Species at Risk Distribution Maps: A Referral Review Tool for Projects Affecting Aquatic Species at Risk;
- (c) the Seasonal Timing Windows Chart (Part G) to determine if the proposed Activities will occur during a Sensitive Period for one or more of the Taxonomic Groups; and
- (d) the Process Charts to determine if prior notification is required;
- (e) the mitigation measures for each applicable Taxonomic Group in Part C to determine what additional site-specific mitigation measures, if any, are required.

- 3.2. The Municipality shall document the results of the review undertaken in accordance with section 3.1 using the Monitoring and Reporting Form.

### **4. Sensitive Areas Maps**

- 4.1. The Sensitive Areas Maps contain sensitive information about the distribution of species at risk, are provided for the sole purpose of informing this Agreement and are not to be copied or distributed for any other purposes or to any other party without the prior written authorization of the MNR Designated Representative.

### **5. Prior Notification to Seek Direction**

- 5.1. If, after completing the review of documents described in section 3.1, the Municipality determines that the proposed Activities will be undertaken:

- (a) in a place;
- (b) at a time; or
- (c) in a manner,

that requires prior notification in accordance with the Process Charts, the Municipality shall provide prior notification to the MNR in order for the MNR to determine if the Municipality must undertake additional site-specific or Species-specific mitigation

measures to minimize adverse effects on the Species and, if applicable, to identify such measures.

- 5.2. The prior notification under section 5.1 shall include a completed Interagency Notification Form:
  - (a) in respect of maintenance/repair where the proposed Activities are being undertaken pursuant to subsection 3(18) or section 74 of the *Drainage Act*; or
  - (b) in respect of construction/improvement where the proposed Activities are being undertaken pursuant to section 77 or 78 of the *Drainage Act*.
- 5.3. Where an Activity is undertaken in accordance with section 124 of the *Drainage Act* and would otherwise have required prior notification under section 5.1, the Municipality shall Contact the MNR by email prior to the commencement of the Activity, and complete and submit the applicable Interagency Notification Form within one week of the Activity's completion, unless otherwise directed in writing by the MNR Designated Representative.

## **6. General Mitigation Measures**

- 6.1. Notwithstanding that prior notification or additional mitigation measures may be required in accordance with this schedule, in undertaking any Activity at any time in respect of the Drainage Works the Municipality shall:
  - (a) undertake the mitigation measures for sediment control and for erosion control and bank stabilization set out in The Drain Primer (Cliff Evanitski 2008) published by DFO (ISBN 978-0-662-48027-3), unless otherwise authorized in writing by the MNR Designated Representative;
  - (b) use net free, 100% biodegradable erosion control blanket for all erosion control or bank stabilization done in conjunction with their Activities or, if authorized in writing by the MNR Designated Representative, alternative erosion control blankets that provide equal or greater protection to individual Species; and
  - (c) where applicable, follow the guidelines set out in the following Ontario Operational Statements:
    - (i) Beaver Dam Removal;
    - (ii) Bridge Maintenance;
    - (iii) Culvert Maintenance;
    - (iv) Isolated Pond Construction;
    - (v) Maintenance of Riparian Vegetation in Existing Right of Ways; and
    - (vi) Temporary Stream Crossing.

## **PART C. TAXA-SPECIFIC MEASURES TO MINIMIZE ADVERSE EFFECTS**

### **ADDITIONAL MITIGATION MEASURES FOR FISH SPECIES**

#### **7. Activities undertaken in Sensitive Areas for Fish**

- 7.1. Subject to section 7.2, where a proposed Activity will occur in a Sensitive Area for a fish Species, the Municipality shall contact the MNR to seek further direction.
- 7.2. Section 7.1 does not apply where the applicable Drainage Works are:
  - (a) in a naturally dry condition;
  - (b) classified as a Class F drain under DFO's *Class Authorization System for the Maintenance of Agricultural Municipal Drains in Ontario* (ISBN 0-662-72748-7); or
  - (c) a closed drain.

### **ADDITIONAL MITIGATION MEASURES FOR MUSSEL SPECIES**

#### **8. Activities undertaken in Sensitive Areas for Mussels**

- 8.1. Subject to section 8.2, where a proposed Activity will occur in a Sensitive Area for a mussel Species, the Municipality shall contact the MNR to seek further direction.
- 8.2. Section 8.1 does not apply where the applicable Drainage Works are:
  - (a) in a naturally dry condition;
  - (b) classified as a Class F drain in DFO's *Class Authorization System for the Maintenance of Agricultural Municipal Drains in Ontario* (ISBN 0-662-72748-7); or
  - (c) a closed drain.

### **ADDITIONAL MITIGATION MEASURES FOR TURTLE SPECIES**

#### **9. Training and Required On Site Materials for Turtles**

- 9.1. The Municipality will ensure any person:
  - (a) involved in the capture, temporary holding, transfer and release of any turtle Species has received training in proper turtle handling procedures; and
  - (b) who undertakes an Activity has a minimum of two Holding Tubs and cotton sacks on site at all times.

#### **10. Activities undertaken in Sensitive Areas and Sensitive Periods for Turtles**

- 10.1. Subject to section 10.2, where a proposed Activity will occur in a Sensitive Area for any turtle Species and during a Sensitive Period for that Species, the Municipality shall:
  - (a) not undertake any Activities that include the excavation of sediment or disturbance to banks during the applicable Sensitive Period unless otherwise authorized;
  - (b) undertake Activities in accordance with any additional site-specific measures provided in writing by the MNR Designated Representative;
  - (c) avoid draw-down and de-watering of the Sensitive Area during the applicable Sensitive Period; and

- (d) if authorized by the MNR Designated Representative under (a) above to undertake Activities that include excavation of sediment or disturbance of banks, in addition to any other measures required under (b) above, ensure any person undertaking an Activity has at least two Holding Tubs on site at all times.

10.2. Section 10.1 does not apply where the applicable Drainage Works are:

- (a) in a naturally dry condition;
- (b) classified as a Class F drain in DFO's *Class Authorization System for the Maintenance of Agricultural Municipal Drains in Ontario* (ISBN 0-662-72748-7); or
- (c) a closed drain.

**11. Measures for Encounters with Turtles During a Sensitive Period**

11.1. Where one or more individuals belonging to a turtle Species is encountered in the undertaking of an Activity in any part of a Work Zone (including, but not limited to, a Sensitive Area) during a Sensitive Period for that Species, the Municipality shall:

- (a) capture and transfer all uninjured individuals of that Species into a Holding Tub;
- (b) capture and transfer all individuals injured as a result of the Activities into a Holding Tub separate from any Holding Tub containing uninjured individuals;
- (c) ensure that the Holding Tubs with the captured individuals are stored at a cool temperature to prevent freezing until the individuals can be transferred; and
- (d) immediately Contact the MNR to seek direction and to arrange for the transfer of the individual turtles.

**12. Measures for Encounters with Turtles Laying Eggs or Nest Sites**

12.1. Where one or more individuals belonging to a turtle Species laying eggs, or an active nest site of any turtle Species, is encountered in undertaking an Activity in a Work Zone, the Municipality shall:

- (a) not disturb a turtle encountered laying eggs and not conduct any Activities within 20 metres of the turtle while it is laying eggs;
- (b) collect any displaced or damaged eggs and capture any injured dispersing juveniles and transfer them to a Holding Tub;
- (c) store all captured injured individuals and collected eggs out of direct sunlight;
- (d) immediately Contact the MNR to seek direction and to arrange for the transfer of any injured individuals and eggs;
- (e) immediately stop any disturbance to the nest site and recover exposed portions with soil or organic material to protect the integrity of the remaining individuals;
- (f) not drive any equipment over the nest site or conduct any Activities within 5 metres of the nest site;
- (g) not place any dredged materials removed from the Drainage Works on top of the nest site;
- (h) mark out the physical location of the nest site for the duration of the project but not by any means that might increase the susceptibility of the nest to predation or poaching; and
- (i) where there are no collected eggs or captured individuals, record relevant information and Contact the MNR within 72 hours to provide information on the location of the nest site.

### **13. Measures for Encounters with Turtles Outside of a Sensitive Period**

13.1. Where one or more individuals belonging to a turtle Species is encountered while undertaking an Activity in any part of a Work Zone (including, but not limited to, a Sensitive Area) but outside of any Sensitive Period for that Species, the Municipality shall:

- (a) briefly stop the Activity for a reasonable period of time to allow any uninjured individual turtles of that Species to leave the Work Zone;
- (b) where individuals do not leave the Work Zone after the Activity is briefly stopped in accordance with (a) above, capture all uninjured individuals and release them in accordance with section 14.1;
- (c) where circumstances do not allow for their immediate release, transfer captured uninjured individuals for a maximum of 24 hours into a Holding Tub which shall be stored out of direct sunlight and then release them in accordance with section 14.1;
- (d) capture and transfer any individuals that have been injured into a Holding Tub separate from any Holding Tub containing uninjured individuals; and
- (e) store all captured injured individuals out of direct sunlight and immediately Contact the MNR to seek direction and to arrange for their transfer.

### **14. Release of Captured Individuals Outside of a Sensitive Period**

14.1. Where uninjured individuals are captured under section 13.1, they shall be released:

- (a) within 24 hours of capture;
- (b) in an area immediately adjacent to the Drainage Works;
- (c) in an area that will not be further impacted by the undertaking of any Activity; and
- (d) not more than 250 metres from the capture site.

14.2. Following a release under section 14.1, the Municipality shall Contact the MNR within 72 hours of the release to provide information on the name of the Drainage Works, the location of the encounter and the location of the release site.

### **15. Measures for Dead Turtles**

15.1. Where one or more individuals of a turtle Species is killed as a result of an Activity in a Work Zone, or if a person undertaking an Activity finds a deceased individual of a turtle Species within the Work Zone, the Municipality shall:

- (a) place any dead turtles in a Holding Tub outside of direct sunlight; and
- (b) Contact the MNR within 72 hours to seek direction and to arrange for the transfer of the dead individuals.

### **ADDITIONAL MITIGATION MEASURES FOR SNAKE SPECIES**

#### **16. Training and Required On Site Materials for Snakes**

16.1. The Municipality will ensure any person:

- (a) involved in the capture, temporary holding, transfer and release of any snake Species has received training in proper snake handling procedures; and
- (b) who undertakes an Activity has a minimum of two Holding Tubs and cotton sacks on site at all times.

## **17. Activities undertaken in Sensitive Areas and Sensitive Periods for Snakes**

- 17.1. Where a proposed Activity involves physical infrastructure (e.g., culverts, pump houses, etc.) and will occur in a Sensitive Area for any snake Species and during a *Sensitive Period – Hibernation* for that Species, the Municipality shall undertake the Activity outside of the Sensitive Period, unless otherwise authorized by and in accordance with any site-specific measures provided in writing by the MNR Designated Representative.
- 17.2. Where a proposed Activity will occur at or adjacent to a known hibernacula (as identified by the MNR) for any snake Species and during a *Sensitive Period – Staging* for that Species, the Municipality shall:
  - (a) erect effective temporary snake barriers approved by the MNR that will not pose a risk of entanglement for snakes and that shall be secured so that individual snakes may not pass over or under the barrier or between any openings to enter or re-enter the Work Zone;
  - (b) inspect the temporary snake barriers daily during periods when snakes are active, capture any individuals incidentally encountered within the area bounded by the snake barrier and release the captured individuals in accordance with section 21.1; and
  - (c) remove the temporary snake barriers immediately upon completion of the Activity.
- 17.3. Where a proposed Activity that does not involve physical infrastructure will occur in a Sensitive Area for any snake Species and during a *Sensitive Period – Staging* for that Species, the Municipality shall undertake the Activity outside of the Sensitive Period, unless otherwise authorized by and in accordance with any site-specific measures provided in writing by the MNR Designated Representative.

## **18. Measures for Encounters with Snakes During a Sensitive Period**

- 18.1. Where one or more individuals belonging to a snake Species is encountered, or should an active hibernacula be uncovered, while conducting an Activity in any part of a Work Zone (including, but not limited to, a Sensitive Area) during a Sensitive Period for that Species, the Municipality shall:
  - (a) capture and transfer all injured and uninjured individual snakes of that Species into individual light-coloured, drawstring cotton sacks;
  - (b) place all cotton sacks filled with the captured individuals into a Holding Tub;
  - (c) ensure that the Holding Tub with the captured individuals is stored at a cool temperature to protect the snakes from freezing until the individuals can be retrieved or transferred;
  - (d) if an active hibernacula is uncovered, cease all Activities at the hibernacula site; and
  - (e) immediately Contact the MNR to seek direction and to arrange for the transfer and/or retrieval.

## **19. Measures for Encounters with Snake Nests**

- 19.1. Where an active nest of any of the snake Species is encountered and disturbed while undertaking an Activity in any part of a Work Zone, the Municipality shall:
  - (a) collect any displaced or damaged eggs and transfer them to a Holding Tub;
  - (b) capture and transfer all injured dispersing juveniles of that Species into a light-coloured drawstring cotton sack;
  - (c) place all cotton sacks with the captured injured individuals into a Holding Tub;

- (d) ensure that the Holding Tub with the captured injured individuals is stored out of direct sunlight;
- (e) immediately Contact the MNR to seek direction and to arrange for the transfer of the injured individuals;
- (f) immediately stop any disturbance to the nest site and loosely cover exposed portions with soil or organic material to protect the integrity of the remaining individuals;
- (g) not drive any equipment over the nest site or conduct any Activities within 5 metres of the nest site;
- (h) not place any dredged materials removed from the Drainage Works on top of the nest site;
- (i) mark out the physical location of the nest site but not by any means that might increase the susceptibility of the nest to predation or poaching; and
- (j) where there are no collected eggs or captured individuals, Contact the MNR within 72 hours to provide information on the location of the nest site.

## **20. Measures for Encounters with Snakes Outside of a Sensitive Period**

- 20.1. Where one or more individuals belonging to a snake Species is encountered while undertaking an Activity in any part of a Work Zone (including, but not limited to, a Sensitive Area) but outside of any Sensitive Period for that Species, the Municipality shall:
  - (a) follow the requirements in section 16;
  - (b) briefly stop the Activity for a reasonable period of time to allow any uninjured individual snakes of that Species to leave the Work Zone;
  - (c) if the individuals do not leave the Work Zone after the Activity is briefly stopped in accordance with (b) above, capture all uninjured individuals and release them in accordance with section 21.1;
  - (d) where circumstances do not allow for the immediate release of captured uninjured individuals, they may be transferred into individual, light-coloured, drawstring cotton sacks before placing them in a Holding Tub which shall be stored out of direct sunlight for a maximum of 24 hours before releasing them in accordance with section 21.1;
  - (e) capture and transfer any individuals injured as a result of conducting the Activities into a Holding Tub separate from any Holding Tub containing uninjured individuals; and
  - (f) store all captured injured individuals out of direct sunlight and immediately Contact the MNR to seek direction and to arrange for their transfer.

## **21. Release of Captured Individuals Outside of a Sensitive Period**

- 21.1. Where uninjured individuals are captured under section 20.1, they shall be released:
  - (a) within 24 hours of capture;
  - (b) in an area immediately adjacent to the Drainage Works where there is natural vegetation cover;
  - (c) in an area that will not be further impacted by the undertaking of any Activity; and
  - (d) not more than 250 metres from the capture site.

21.2. Following a release under section 21.1, the Municipality shall Contact the MNR within 72 hours of the release to provide information on the name of the Drainage Works, the location of the encounter and the location of the release site.

## **22. Measures for Dead Snakes**

22.1. Where one or more individuals belonging to a snake Species is killed as a result of an Activity in a Work Zone, or if a person undertaking an Activity finds a deceased individual of a snake Species within the Work Zone, the Municipality shall:

- (a) collect and transfer any dead individuals into a Holding Tub outside of direct sunlight; and
- (b) Contact the MNR within 72 hours to seek direction and to arrange for the transfer of the carcasses of the dead individuals.

## **ADDITIONAL MITIGATION MEASURES FOR HERBACEOUS PLANTS**

### **23. Activities Undertaken in Sensitive Areas for Herbaceous Plants**

23.1. Where a proposed Activity will occur that involves physical disturbance to vegetated banks or the killing and/or removal of vegetation through chemical or mechanical means in a Sensitive Area for any herbaceous plant Species, the Municipality shall:

- (a) undertake the Activity outside of the Sensitive Period, unless otherwise authorized;
- (b) limit equipment access and operations to the side of the Drainage Works that will minimize disturbances where any of the plant Species occur;
- (c) locate temporary storage sites for excavated sediments or bank materials on areas of open soil away from where any of the plant Species are likely to occur;
- (d) not use any broad spectrum herbicides in Sensitive Areas; and
- (e) undertake Activities in accordance with any additional site-specific measures provided in writing by the MNR Designated Representative.

## **ADDITIONAL MITIGATION MEASURES FOR TREE SPECIES**

### **24. Additional Measures for Butternut**

24.1. Where Butternuts may exist in a Work Zone and may be affected by an Activity, the Municipality shall:

- (a) identify and mark as retainable trees all individual Butternut trees within the Work Zone during work planning site visits unless the individual Butternut has been assessed as a non-retainable tree due to infection by Butternut canker by a person designated by the Minister as a Butternut Health Assessor;
- (b) retain and avoid disturbance to all individuals identified under (a) above that have been identified as retainable trees or that have not been assessed, unless otherwise authorized in writing by the MNR Designated Representative;
- (c) conduct Activities by:
  - (i) limiting equipment access and operations to the side of the Drainage Works that will minimize disturbance to where any of the individual Butternut trees occur,
  - (ii) working around trees,



# Town of Kingsville: Sensitive Areas Map for Fish Species at Risk



## LEGEND



### Sensitive Areas for Fish SAR

DFO Data (valid until May 2010)

- SARA Protected (EX, EN, TH) (Red line)
- To be listed in 1yr+ (EN, TH) (Yellow line)
- All SC (Sch 1, 3, newly listed) (Purple line)

MNR/NHIC Data

- EXP, END, THR (Red dot)
- SC (Purple dot)

### Conservation Authority

Essex Region

Subwatershed Boundaries

Municipal Boundaries

First Nations Territories

Urban Area



SCALE: 1:110,000

0 1 2 4  
Kilometres

UTM NAD83 CNT Zone 17.

Base data derived from the Natural Resource Values Information System (NRVIS), Element Occurrence & Observation Data provided by Natural Heritage Information Centre (NHIC). Colour-coded stream segments provided by Fisheries & Oceans Canada, 2009. Subwatershed Boundaries provided by Conservation Authorities.

This map was produced by the Aylmer District Office GIS Unit, Ministry of Natural Resources.

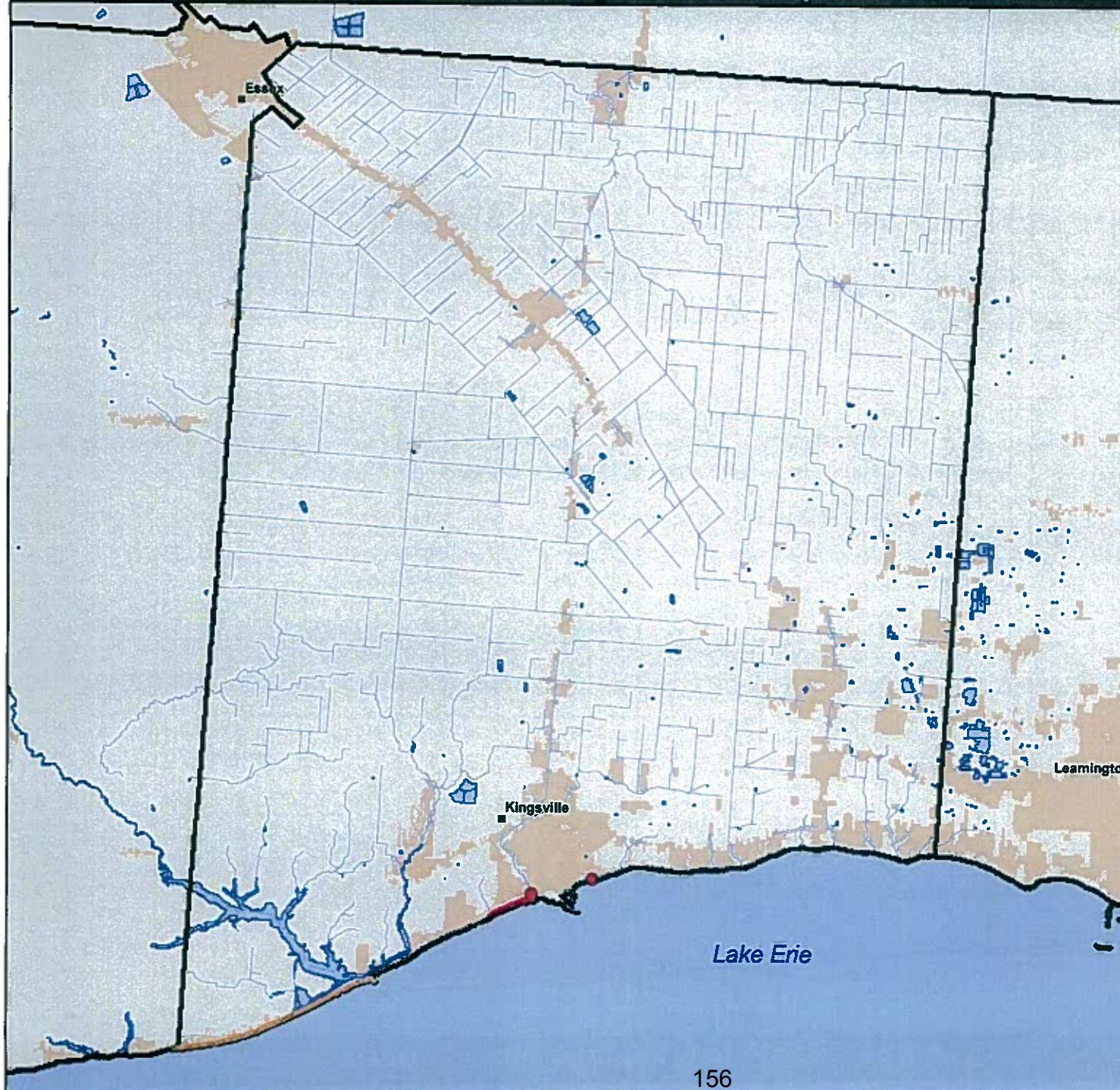
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# Town of Kingsville: Sensitive Areas Map for Mussel Species at Risk



## LEGEND



### Sensitive Areas for Mussel SAR

DFO Data (valid until May 2010)

- SARA Protected (EX, EN, TH)
- To be listed in 1yr+ (EN, TH)
- All SC (Sch 1, 3, newly listed)

MNR/NHIC Data

- EXP, END, THR
- SC

### Conservation Authority

Essex Region

Subwatershed Boundaries

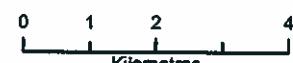
Municipal Boundaries

First Nations Territories

Urban Area



SCALE: 1:110,000



UTM NAD83 CNT Zone 17.

Base data derived from the Natural Resource Values Information System (NRVIS). Element Occurrence & Observation Data provided by Natural Heritage Information Centre (NHIC). Colour-coded stream segments provided by Fisheries & Oceans Canada, 2009. Subwatershed Boundaries provided by Conservation Authorities.

This map was produced by the Aylmer District Office GIS Unit, Ministry of Natural Resources.

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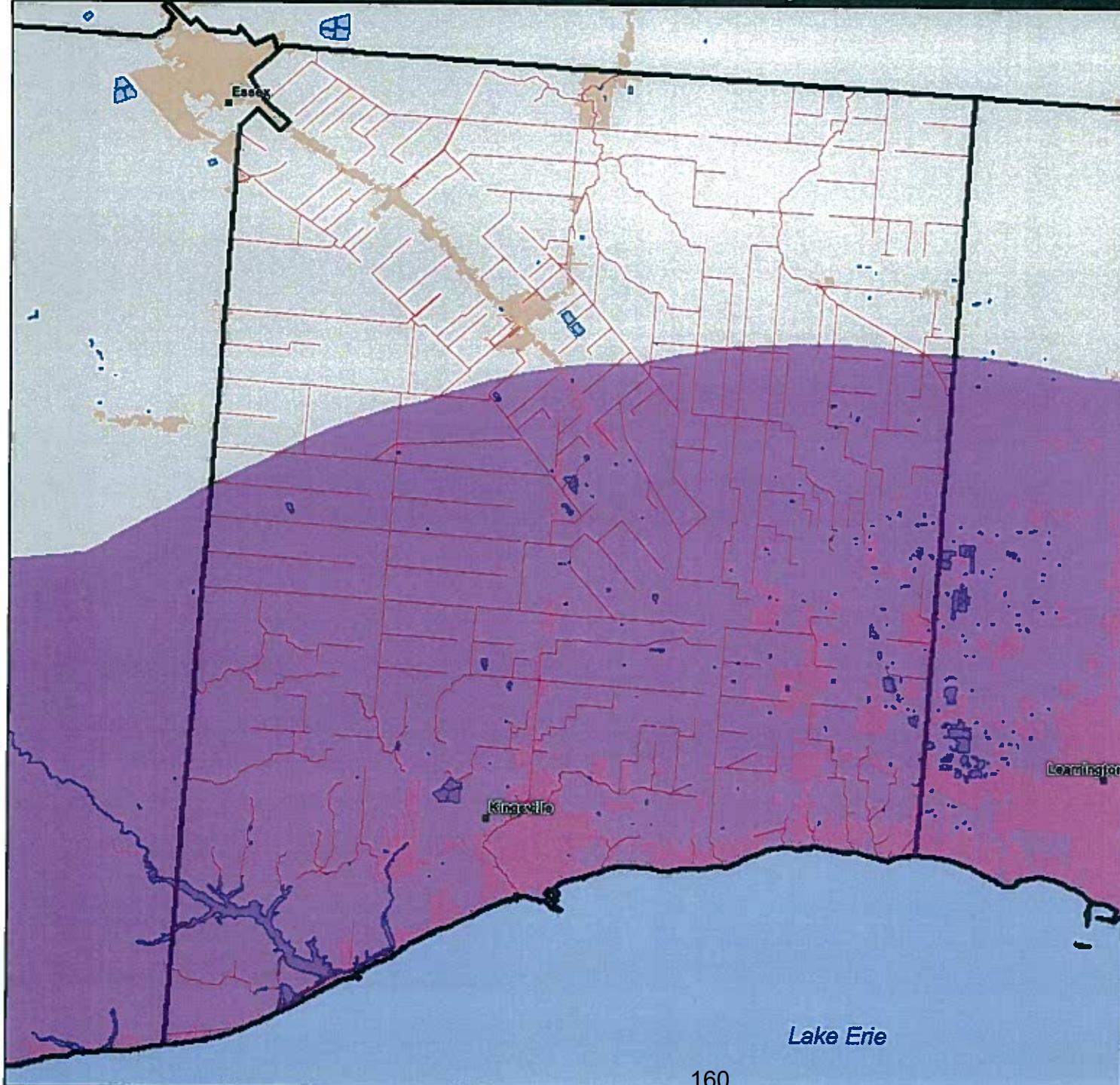


## Town of Kingsville: Sensitive Areas Map for Snake Species at Risk





# Town of Kingsville: Sensitive Areas Map for Turtle Species at Risk



## LEGEND



Sensitive Areas for Turtle SAR

Municipal Drains

### Conservation Authority

Essex Region

Subwatershed Boundaries

Municipal Boundaries

First Nations Territories

Urban Area



SCALE: 1:110,000

0 1 2 4  
Kilometres

UTM NAD83 CNT Zone 17.

Base data derived from the Natural Resource Values Information System (NRVIS). Sensitive Areas based on data from NHC. Subwatershed Boundaries provided by Conservation Authorities.

This map was produced by the Aylmer District Office GIS Unit, Ministry of Natural Resources.

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## Seasonal Timing Windows Chart

Date Codes		Monthly Intervals: E=Early(days 1-10); M=Middle(days 11-20); L=Late(days 21-31)											
Dates		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sapt	Oct	Nov	Dec
Taxa/Common Name		E	M	L	E	M	L	E	M	L	E	M	L
<b>Aquatic Species</b>													
Fish		IF in a Sensitive Area Identified on Maps THEN Prior Notification to the MNR is required (regardless of time of year)											
Mussels		IF in a Sensitive Area Identified on Maps THEN Prior Notification to the MNR is required (regardless of time of year)											
Turtles													
Fowler's Toad													
Jefferson Salamander													
<b>Terrestrial Species</b>													
Snakes - Hibernation													
Snakes - Staging													
Butler's Gartersnake - Hibernation													
Butler's Gartersnake - Staging													
Herbaceous Plants													
Birds													
<b>NOT a Sensitive Time</b>		IF NO Sensitive Areas Identified on Maps THEN NO Prior Notification to the MNR is required											
<b>Sensitive Time</b>		IF in a Sensitive Area Identified on Maps THEN Prior Notification to the MNR is required											
<b>On-site Consultation</b>		IF in a Highly Sensitive Area (e.g., a known hibernacula) THEN On-site consultation with the MNR is required											

Staging refers to the time just after emergence from hibernation in the spring and the aggregation of individuals in the fall just prior to entering into hibernation sites.



## APPENDIX "REI-C"



## STANDARD SPECIFICATIONS FOR ACCESS BRIDGE CONSTRUCTION

### **1. PRECAST CONCRETE BLOCK & CONCRETE FILLED JUTE BAG HEADWALLS**

After the Contractor has set the endwall foundations and the new pipe in place, it shall completely backfill same and install new precast concrete blocks or concrete filled jute bag headwalls at the locations and parameters indicated on the drawing. All concrete used for headwalls shall be a minimum of 30 mPa at 28 days and include 6% +/- 1% air entrainment.

Precast concrete blocks shall be interlocking and have a minimum size of 600mmX600mmX1200mm. Half blocks shall be used to offset vertical joints. Cap blocks shall be a minimum of 300mm thick. A foundation comprising minimum 300mm thick poured concrete or precast blocks the depth of the wall and the full bottom width of the drain plus 450mm embedment into each drain bank shall be provided and placed on a firm foundation as noted below. The Contractor shall provide a levelling course comprising a minimum thickness of 150mm Granular "A" compacted to 100% Standard Proctor Density or 20mm clear stone, or a lean concrete as the base for the foundation. The base shall be constructed level and flat to improve the speed of installation. Equipment shall be provided as required and recommended by the block supplier for placing the blocks such as a swift lift device for the blocks and a 75mm eye bolt to place the concrete caps,. The headwall shall extend a minimum of 150mm below the invert of the access bridge culvert with the top of the headwall set to match the finished driveway grade, unless a 150mm high curb is specified at the edge of the driveway. To achieve the required top elevation, the bottom course of blocks and footing may require additional embedment into the drain bottom. The Contractor shall provide shop drawings of the proposed wall for approval by the Drainage Superintendent or Engineer prior to construction.

Blocks shall be placed so that all vertical joints are staggered. Excavation voids on the ends of each block course shall be backfilled with 20mm clear stone to support the next course of blocks above. Walls that are more than 3 courses in height shall be battered a minimum of 1 unit horizontal for every 5 units of vertical height. The batter shall be achieved by careful grading of the footing and foundation base, or use of pre-battered base course blocks. Filter cloth as specified below shall be placed behind the blocks to prevent the migration of any fill material through the joints. Backfill material shall be granular as specified below. Where the wall height exceeds 1.8 metres in height, a uni-axial geogrid SG350 or equivalent shall be used to tie back the walls and be installed in accordance with the manufacturer's recommendations. The wall face shall not extend beyond the end of the access bridge pipe. Non-shrink grout shall be used to fill any gaps between the blocks and the access bridge pipe for the full depth of the wall. The grout face shall be finished to match the precast concrete block walls as closely as possible.

When constructing the concrete filled jute bag headwalls, the Contractor shall place the bags so that the completed headwall will have a slope inward from the bottom of the pipe to the top of the finished headwall. The slope of the headwall shall be one unit horizontal to five units vertical. The Contractor shall completely backfill behind the new concrete filled jute bag headwalls with Granular "B" and Granular "A" material as per O.P.S.S. Form 1010 and the granular material shall be compacted in place to a Standard Proctor Density of 100%. The placing of the jute bag headwalls and the backfilling shall be performed in lifts simultaneously. The granular backfill shall be placed and compacted in lifts not to exceed 305mm (12") in thickness.

The concrete filled jute bag headwalls shall be constructed by filling jute bags with concrete. All concrete used to fill the jute bags shall have a minimum compressive strength of 25 MPa in 28 days and shall be provided and placed only as a wet mix. Under no circumstance shall the concrete to be used for filling the jute bags be placed as a dry mix. The jute bags, before being filled with concrete, shall have a dimension of 460mm (18") x 660mm (26"). The jute bags shall be filled with concrete so that when they are laid flat, they will be approximately 100mm (4") thick, 305mm (12") to 380mm (15") wide and 460mm (18") long.

The concrete jute bag headwall to be provided at the end of the bridge pipe shall be a single or double bag wall construction as set out in the specifications. The concrete filled bags shall be laid so that the 460mm (18") dimension is parallel with the length of the new pipe. The concrete filled jute bags shall be laid on a footing of plain concrete being 460mm (18") wide, and extending for the full length of the wall, and 305mm (12") thick extending below the bottom of the culvert pipe.

All concrete used for the footing, cap and bags shall have a minimum compressive strength of 30 mPa at 28 days and shall include 6% +/- 1% air entrainment.

Upon completion of the jute bag headwall the Contractor shall cap the top row of concrete filled bags with a layer of plain concrete, minimum 100mm (4") thick, and hand trowelled to obtain a pleasing appearance. If the cap is made more than 100mm thick, the Contractor shall provide two (2) continuous 15M reinforcing bars set at mid-depth and equally spaced in

the cap. The Contractor shall fill all voids between the concrete filled jute bags and the corrugated steel pipe with concrete, particular care being taken underneath the pipe haunches to fill all voids.

The completed jute bag headwalls shall be securely embedded into the drain bank a minimum of 450mm (18") measured perpendicular to the sideslopes of the drain.

As an alternate to constructing a concrete filled jute bag headwall, the Contractor may construct a grouted concrete rip rap headwall. The specifications for the installation of a concrete filled jute bag headwall shall be followed with the exception that broken pieces of concrete may be substituted for the jute bags. The concrete rip rap shall be approximately 460mm (18") square and 100mm (4") thick and shall have two (2) flat parallel sides. The concrete rip rap shall be fully mortared in place using a mixture composed of three (3) parts of clean sharp sand and one (1) part of Portland cement.

The complete placement and backfilling of the headwalls shall be performed to the full satisfaction of the Drainage Superintendent and the Engineer.

## **2. QUARRIED LIMESTONE ENDWALLS**

The backfill over the ends of the corrugated steel pipe shall be set on a slope of 1-½ units horizontal to 1 unit vertical from the bottom of the corrugated steel pipe to the top of each end slope and between the drain banks. The top 305mm (12") in thickness of the backfill over the ends of the corrugated steel pipe shall be quarried limestone. The quarried limestone shall also be placed on a slope of 1-½ units horizontal to 1 unit vertical from the bottom of the corrugated steel pipe to the top of each bank of the drain adjacent each end slope. The quarried limestone shall have a minimum dimension of 100mm (4") and a maximum dimension of 250mm (10"). The end slope protection shall be placed with the quarried limestone pieces carefully tamped into place with the use of a shovel bucket so that, when complete, the end protection shall be consistent, uniform, and tightly laid in place.

Prior to placing the quarried limestone end protection over the granular backfill and on the drain banks, the Contractor shall lay non-woven geotextile filter fabric "GMN160" conforming to O.P.S.S. 1860 Class I or approved equal. The geotextile filter fabric shall extend from the bottom of the corrugated steel pipe to the top of each end slope of the bridge and along both banks of the drain to a point opposite the ends of the pipe.

The Contractor shall take extreme care not to damage the geotextile filter fabric when placing the quarried limestone on top of the filter fabric.

## **3. BRIDGE BACKFILL**

After the corrugated steel pipe has been set in place, the Contractor shall backfill the pipe with Granular "B" material, O.P.S.S. Form 1010 with the exception of the top 305mm (12") of the backfill. The top 305mm (12") of the backfill for the full width of the excavated area (between each bank of the drain) and for the top width of the driveway, shall be Granular "A" material, O.P.S.S. Form 1010. The granular backfill shall be compacted in place to a Standard Proctor Density of 100% by means of mechanical compactors. All of the backfill material, equipment used, and method of compacting the backfill material shall be inspected and approved and meet with the full satisfaction of the Drainage Superintendent and Engineer.

## **4. GENERAL**

Prior to the work commencing, the Drainage Superintendent and Engineer must be notified, and under no circumstances shall work begin without one of them being at the site. Furthermore, the grade setting of the pipe must be checked, confirmed, and approved by the Drainage Superintendent or Engineer prior to continuing on with the bridge installation.

The alignment of the new bridge culvert pipe shall be in the centreline of the existing drain, and the placing of same must be performed totally in the dry.

Prior to the installation of the new access bridge culvert, the existing sediment build-up in the drain bottom must be excavated and completely removed. This must be done not only along the drain where the bridge culvert pipe is to be installed, but also for a distance of 3.05 metres (10 ft.) both upstream and downstream of said new access bridge culvert. When setting the new bridge culvert pipe in place it must be founded on a good undisturbed base. If unsound soil is encountered, it must be totally removed and replaced with 20mm (3/4") clear stone, satisfactorily compacted in place.

When doing the excavation work or any other portion of the work relative to the bridge installation, care should be taken not to interfere with, plug up, or damage any existing surface drains, swales, and lateral or main tile ends. Where damage is encountered, repairs to correct same must be performed immediately as part of the work.

The Contractor and/or landowner performing the bridge installation shall satisfy themselves as to the exact location, nature and extent of any existing structure, utility or other object that they may encounter during the course of the work. The Contractor shall indemnify and save harmless the Town, or the Municipality, the Engineer, and their staff from any damages which it may cause or sustain during the progress of the work. It shall not hold them liable for any legal action arising out of any claims brought about by such damage caused by it.

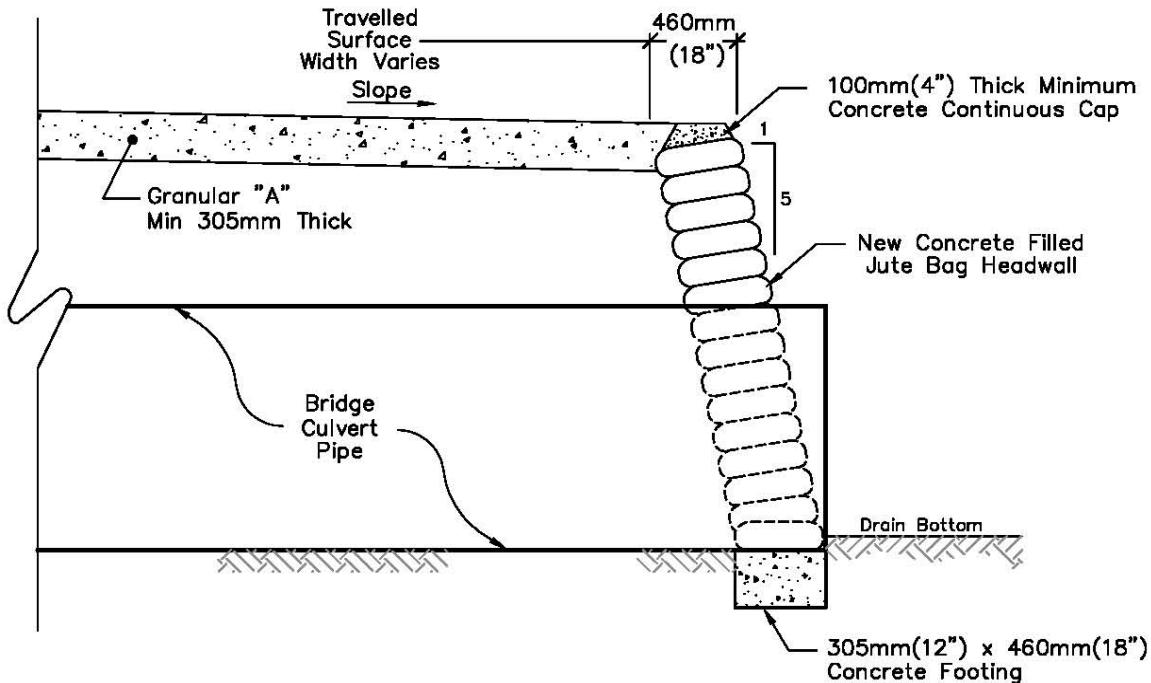
Where applicable, the Contractor and/or landowner constructing the new bridge shall be responsible for any damage caused by them to any portion of the Town road right-of-way. They shall take whatever precautions are necessary to cause a minimum of damage to same and must restore the roadway to its original condition upon completion of the works.

When working along a municipal roadway, the Contractor shall provide all necessary lights, signs, barricades and flagpersons as required to protect the public. All work shall be carried out in accordance with the requirements of the Occupational Health and Safety Act, and latest amendments thereto. If traffic control is required on this project, it is to comply with the M.T.O. Traffic Control Manual for Roadway Work Operations and Ontario Traffic Manual Book 7.

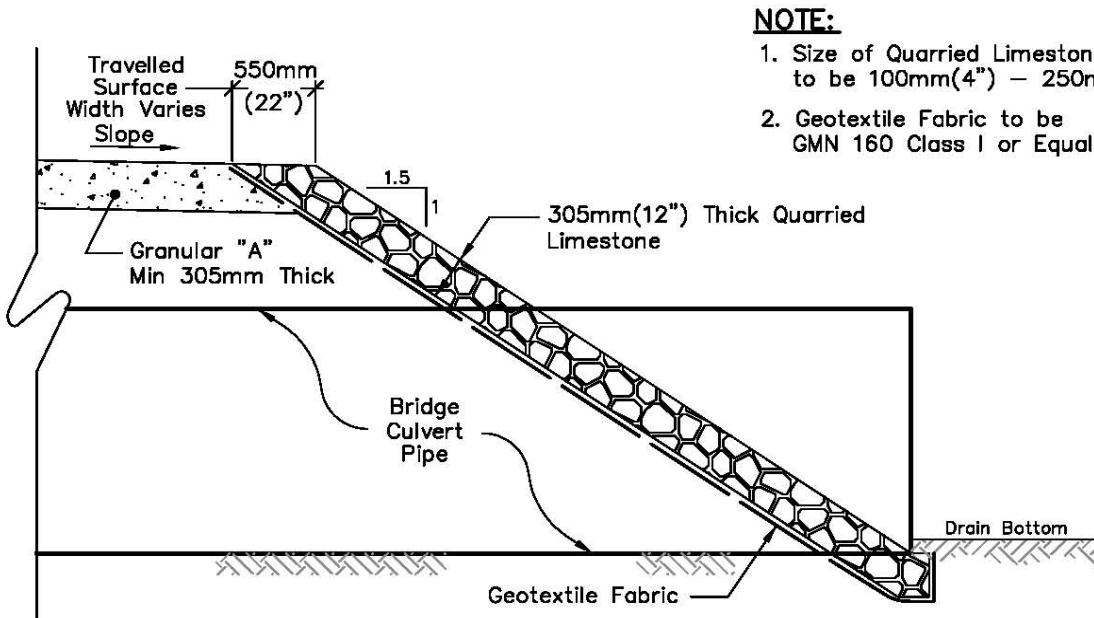
Once the bridge installation has been completed, the drain sideslopes directly adjacent the new headwalls and/or endwalls are to be completely restored including revegetation, where necessary.

All of the work required towards the installation of the bridge shall be performed in a neat and workmanlike manner. The general site shall be restored to its' original condition, and the general area shall be cleaned of all debris and junk, etc. caused by the work

All of the excavation, installation procedures, and parameters as above mentioned are to be carried out and performed to the full satisfaction of the Drainage Superintendent and Engineer.



Typical Jute Bag Headwall



Typical Quarried Limestone End Protection

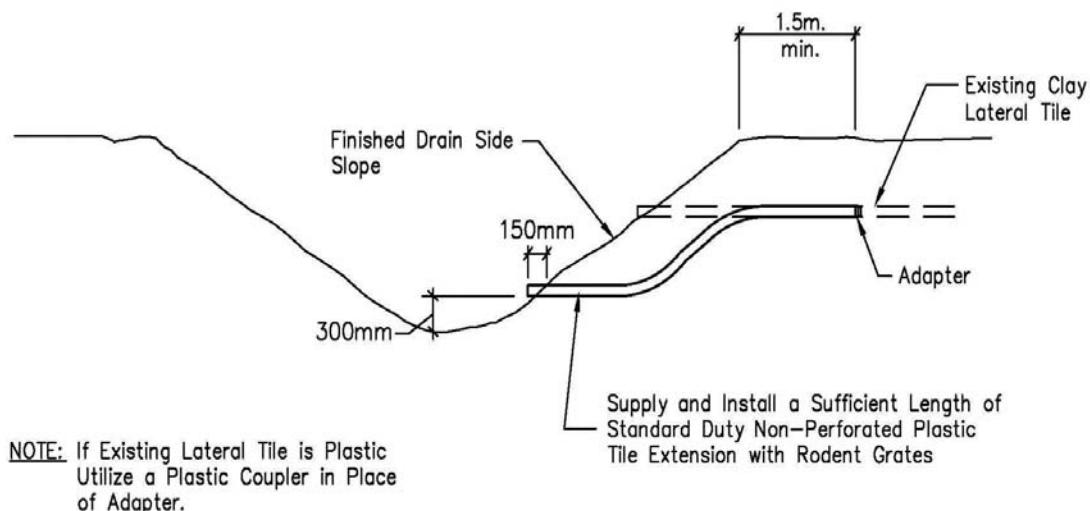
**Rood Engineering Inc.**

**Consulting Engineers**

**9 Nelson Street**

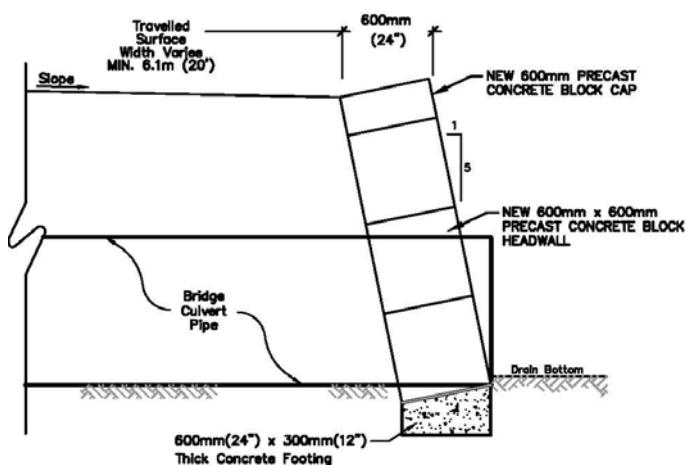
**Leamington, Ontario N8H 1G6**

**519-322-1621**

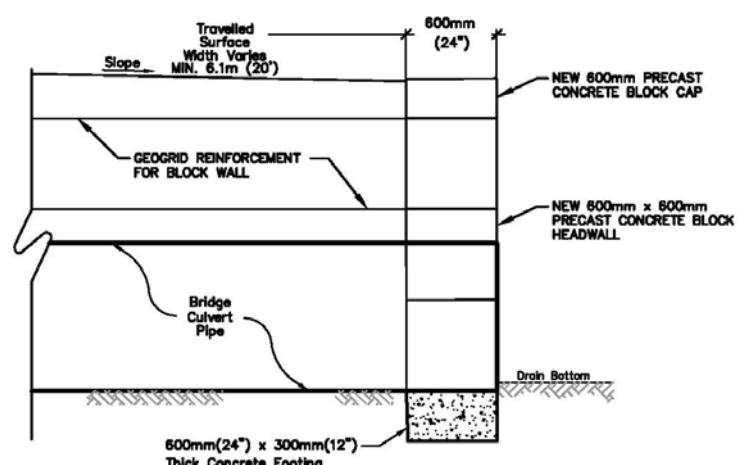


## STANDARD LATERAL TILE DETAIL

N.T.S.



**TYPICAL PRECAST CONCRETE BLOCK END PROTECTION**  
Scale = N.T.S.



**TYPICAL VERTICAL PRECAST CONCRETE BLOCK END PROTECTION**  
Scale = N.T.S.



## APPENDIX "REI-D"



**SECTION II**  
**SPECIFICATIONS**  
**FOR FISH SALVAGE**

**GENERAL**  
**SECTION 201**

The Work shall include the capture, salvage and release of fish that are trapped or stranded as the result of the Contractor's operations, at locations identified in the Fish Salvage Plan, and in co-operation with the Essex Region Conservation Authority (E.R.C.A.).

Fish capture shall be performed prior to dewatering, and in such manner that will minimize the injury to the fish.

**MATERIALS**  
**SECTION 202**

All materials required for fish capture, salvage and release shall be supplied by the Contractor.

**CONSTRUCTION**  
**SECTION 203**

The Contractor shall not commence any fish capture, salvage and release work until the Fish Salvage Plan has been accepted by the Consultant and the Conservation Authority. All work shall be performed in accordance with the Fish Salvage Plan unless otherwise determined by the Consultant or the Conservation Authority.

The Contractor shall ensure an ice-free pool is maintained throughout all fish capture and release operations.

All fish shall be captured within the area specified and released at an acceptable location in the downstream water body. Fish shall be captured by electro fishing, netting, seining, trapping, or other method acceptable to the Consultant and/or the Conservation Authority.

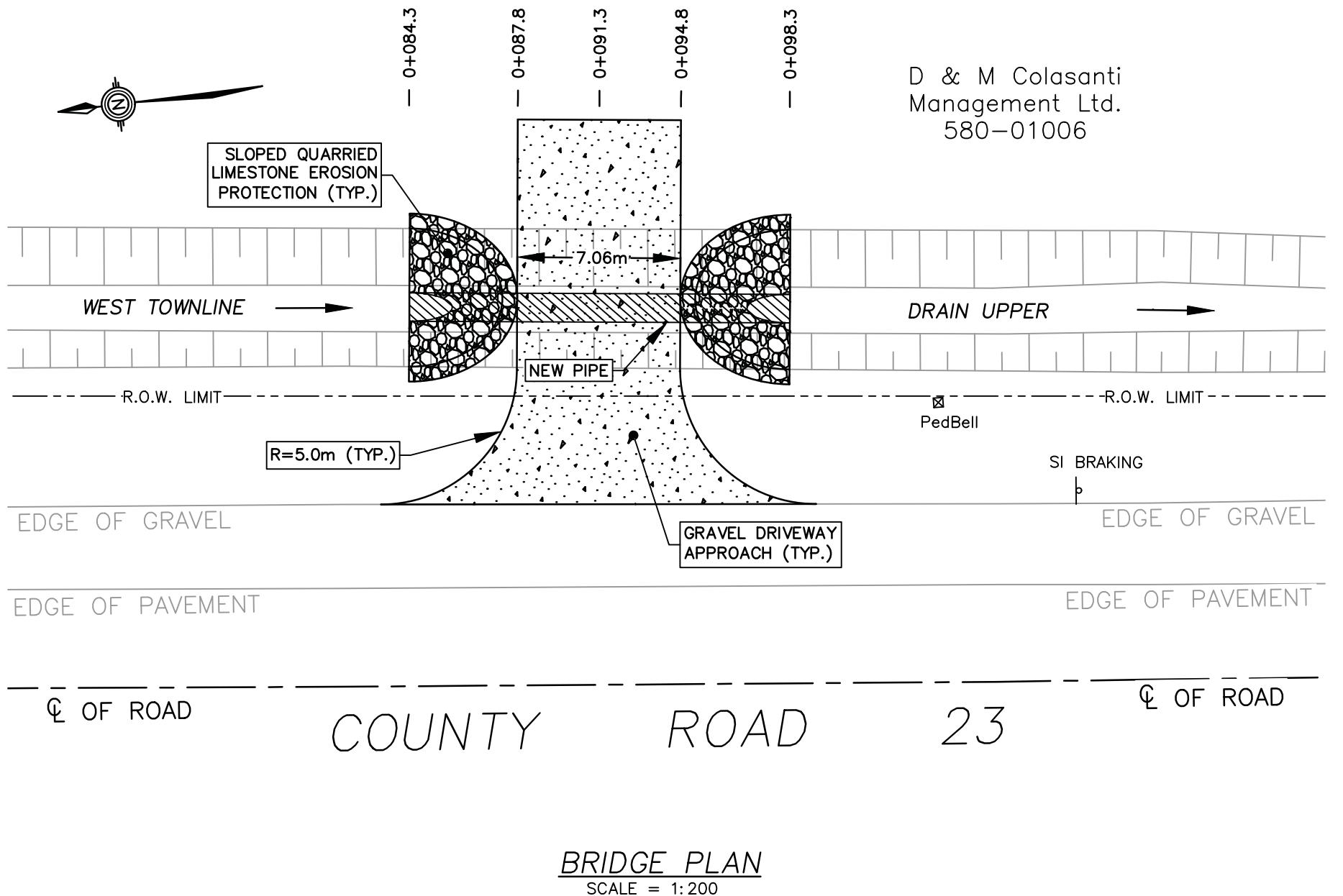
**MEASUREMENT AND PAYMENT**  
**SECTION 204**

Payment for this Work will be included in the price bid for drainage work components or made at the lump sum price bid for "Fish Capture and Release". The lump sum price will be considered full compensation for all labour, materials, equipment, tools, and incidentals necessary to complete the Work to the satisfaction of the Consultant.



## APPENDIX “REI-E”





**BENCHMARK:**

STEEL PLATE IN NORTHWEST SIDE OF HYDRO POLE AT NORTH END  
OF WEST TOWNLINE DRAIN UPPER, APPROXIMATELY 121.0m NORTH  
OF PROPOSED BRIDGE LOCATION. ELEV - 195.509m

EEV. = 195.50911

PIPE SIZE:	PIPE LENGTH:	PIPE GAUGE:	CORRUGATIONS:	TYPE OF PIPE:	DESIGN ELEVATIONS:
1050mmØ	14.0m (45.93 FT.)	2.8mm	125x25	ALUMINIZED TYPE II CSP	UPSTREAM INV. (N) =192.414m DOWNSTREAM INV. (S) =192.406m @ TOP OF DRIVEWAY =194.356m DRAIN GRADE = 0.06%

## WEST TOWNLINE DRAIN UPPER

New Bridge for Telus at D&M Colasanti Management Ltd. (580-01006)  
(Geographic Township of Gosfield North)

IN THE

IN THE  
TOWN OF KINGSVILLE

15

IN THE  
COUNTY OF ESSEX • ONTARIO

178

ROOD  
ENGINEERING  
INC.

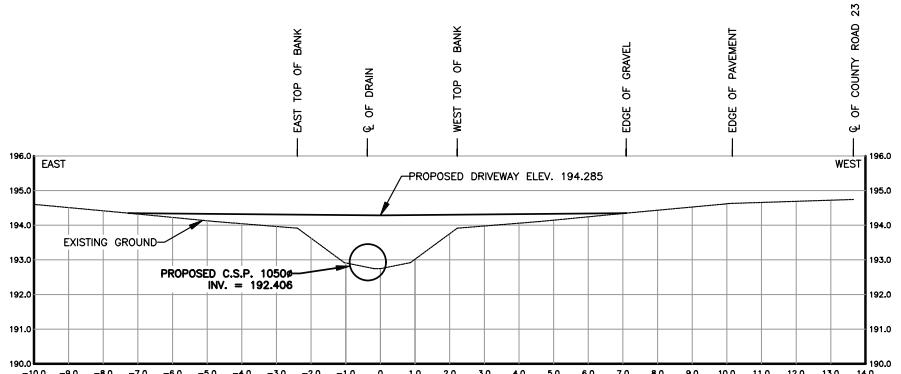
**CONSULTING ENGINEERS**  
Guelph, Ontario  
19-322-1621

DATE: 2024-08-28

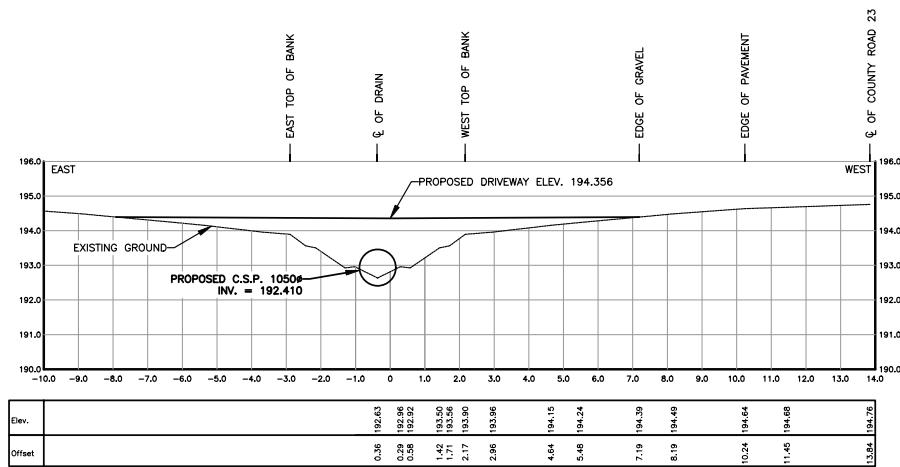
APPENDIX 'E'  
SHEET No.: 1 OF 2

1. e of Quarried Limestone  
be 100mm(4") - 250mm(10")  
otextile Fabric to be  
N 160 O.P.S.S CLASS 1  
tall Pipe in Dry Conditions  
Accordance with O.P.S.S. 518,  
7, 805, and O.P.S.D. 805,  
9180, 219.190, 219.191

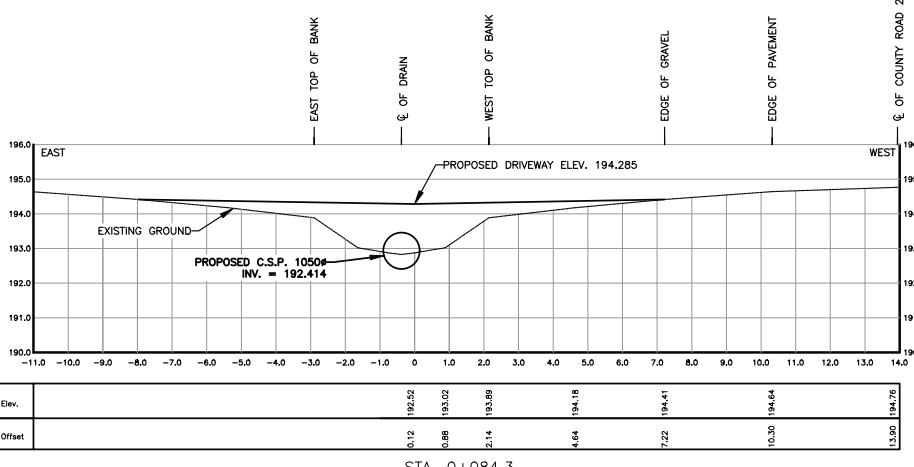




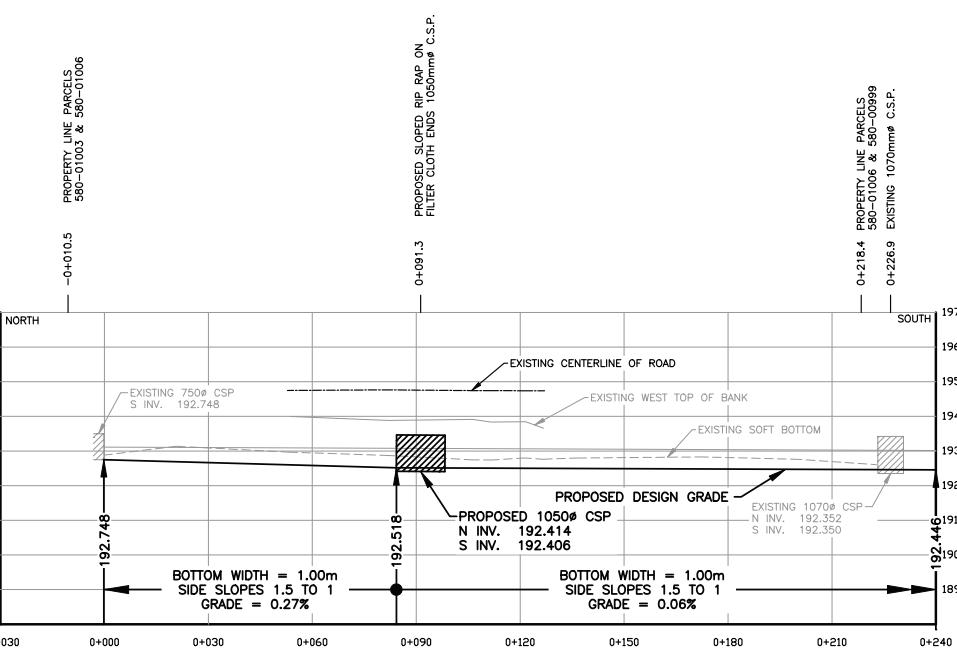
STA. 0+098.3  
SCALE=1:100



STA. 0+091.3  
SCALE=1:100



STA. 0+084.3  
SCALE=1:100



PROFILE - WEST TOWNLINE DRAIN UPPER  
SCALE=1:1000 hor.  
1:100 ver.

THESE PLANS HAVE BEEN REDUCED  
AND THE SCALE THEREFORE VARIES.  
FULL SCALE PLANS MAY BE VIEWED  
AT THE MUNICIPAL OFFICE.

DRAWN BY: P.K.  
PLOT CODE: 1-1  
COMPUTER FILE: REI2024D020.DWG  
FILE No.: REI2024D020  
SHEET No.: 2 OF 2



**Date:** September 12, 2024

**To:** Mayor and Council

**Author:** Sahar Jamshidi, MUP, RPP, MCIP, C.E.T.  
Manager of Planning

**RE:** 175 WIGLE AVE - 1364674 ONTARIO LIMITED  
Draft Plan of Subdivision (SUB-2024-01)  
County of Essex File No.: 37-T-24007

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## RECOMMENDED ACTION

That Administration **BE DIRECTED** to advise the County of Essex that the Town of Kingsville has no concern or comment regarding the proposed draft plan of subdivision by 1364674 Ontario Limited, which is a County of Essex decision, and is subject to the required Zoning By-law Amendment to be considered by Council at a later date, as described in the report presented at the October 7, 2024, Council Meeting;

And further that the proposed Draft Plan of Subdivision **BE AMENDED**, as may be required, to meet Town of Kingsville design guidelines for cul-de-sac radius recognizing that such amendment may impact block and lot boundaries.

## BACKGROUND

The County of Essex, the approval authority under the Planning Act for plans of subdivision in Town of Kingsville, has received and deemed complete an application for a Draft Plan of Subdivision, County of Essex File No. 37-T-24007. The subject property is currently vacant and is located on the east side of Wigle Avenue, between Katie Crescent and Glass Avenue as shown in the attached Key Map (see appendix A) and the Draft Plan of Subdivision.

The applicant is proposing to develop an L-shaped portion of the lands for a draft plan of subdivision (see Appendix B), while a rectangular portion of the property along Wigle Avenue will remain vacant (currently there is no development proposed for this vacant portion of the lands.)

The portion of the land which is being considered for the draft plan of Subdivision is within the Primary Settlement Area of the County of Essex Official Plan (Schedule A2 Settlement Structure Plan), as well as Primary Settlement Area of Kingsville, and it is designated Residential within Kingsville Official Plan (Schedule "A-1" Land Use Plan),

and zoned “General Commercial - Holding [C4(h)]” in the Comprehensive Zoning By-law 1-2014, for the Town of Kingsville. A Zoning By-law Amendment (ZBA) is required to permit the proposed residential development within the subject lands, as currently semi-detached residential dwellings are not permitted. The required Zoning By-law Amendment report will be brought to Council for consideration at a later date (see pages 8-10 of this report for more information on the ZBA.)

The applicant has applied for Draft Plan of Subdivision Approval (see appendix B) for twenty-eight (28) lots for fifty-six (56) semi-detached dwelling units, one (1) block for a pedestrian pathway (Block 29, which will be conveyed to the Town of Kingsville), and two (2) blocks for natural heritage protection (Blocks 30 and 31, which the County of Essex has indicated that will be conveyed to The Essex Region Conservation Authority (ERCA)).

*Figure 1 – Aerial image from Google Maps showing the proposed limits of subdivision in red*



The new lots will have access from the proposed L-shaped right-of-way (Street A), which will be dedicated as a public road, and Katie Crescent will be extended to connect to Street A, as required under section 4.1.1 of Town of Kingsville Development Manual (2024).

The County of Essex is the approval authority for plans of subdivision as the upper-tier municipality. As part of their approval process, they have requested a resolution of support from Kingsville. As a result of the changes imposed under Bill 23, public meetings pursuant to a draft plan of subdivision application are no longer a legislative

requirement. The County of Essex has requested that Town of Kingsville give notice of application to the public on its behalf, in accordance with Subsection 4 of Ontario Regulation 544/06, for information purposes to the public (see appendix C). A copy of the public notice which was sent out by Town of Kingsville to the public is attached (see appendix D), as well as photos of the public notice signs which were placed on public highways/streets (see appendix G).

If residents have any questions or concerns regarding the proposed plan of subdivision, they are encouraged to contact **Rebecca Belanger, Manager, Planning Services**, County of Essex, 360 Fairview Avenue West, Essex, ON, N8M1Y6, or via email at [rbelanger@countyofessex.ca](mailto:rbelanger@countyofessex.ca), indicating the **County of Essex file number, No. 37-T-24007 – 175 Wigle Residential Subdivision**, in the subject of the email.

## **DISCUSSION**

The *Planning Act* sets the ground rules for land use planning in Ontario. It gives upper-tier and lower-tier municipalities the authority to make local planning decisions which must be consistent with the Provincial Policy Statement and conform with the applicable provincial plans, to ensure we are growing responsibly and sustainably.

According to subsection 51 (5) of the *Planning Act*, the County of Essex, as the approval authority for Plans of Subdivisions in Town of Kingsville, has determined that the requirements of the *Planning Act* have been met and has notified Town of Kingsville that they have deemed the proposed draft plan of subdivision application for 175 Wigle Avenue complete (see appendix C).

Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. Comments, submissions or advice that affect a planning matter that are provided by the council of a municipality “shall be consistent with” the Provincial Policy Statement. Accordingly, the following provides the key pieces of information, to Kingsville municipal council, which corresponds to the proposed draft plan of subdivision being consistent with PPS 2020, as well as County of Essex OP and Town of Kingsville OP.

### **Settlement Area/Land Use Patterns**

The proposed residential draft plan of subdivision for 175 Wigle Avenue is an infill development proposal located in Kingsville’s primary settlement area, where the vacant parcel is surrounded by existing residential land uses. This development proposal will make efficient use of existing municipal services consistent with the policies of the Provincial Policy Statement, 2020. Although it can be stated that the proposal supports and implements many of PPS 2020 policies, the proposed draft plan of subdivision supports the following important policies which are specifically highlighted:

- Section 1.1.3.1 – Settlement Areas - Settlement areas shall be the focus of growth and development;
- Section 1.1.3.2(a) – Settlement Areas - Land use patterns ... efficiently use land and resources;

## **Land Use Compatibility**

PPS (Section 1.2.6.1) requires that major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

When examining Kingsville Official Plan in the vicinity of subject lands (175 Wigle Ave), Schedule “A-1” Land Use Plan for Kingsville Official Plan identifies the lands along the west side of Wigle Avenue being designated for Industrial land uses, while the lands along the east side of Wigle Avenue are designated for Residential land uses (where the proposed subdivision will be located.) Therefore, in the context of the proposed plan of subdivision, Wigle Avenue acts as the transition boundary between the Industrial and Residential land uses.

Closer examination of existing land uses within a 500m (1,640.42 ft) radius of the proposed subdivision, indicates that there are some major facilities (as defined in PPS 2020, i.e. manufacturing uses) within this 500m buffer. The proposed residential subdivision is a sensitive land use (as defined in PPS 2020), and separation (or mitigation measures) of major facilities from sensitive land uses is a matter of provincial interest.

The protection of matters of provincial interest, namely minimization and mitigation of any potential adverse effects such as noise from major facilities, fall under responsibilities of the upper-tier municipality (The County of Essex) as the approval authority. Accordingly, the County of Essex required an Environmental Noise Report to be provided as part of the supporting documents for draft plan of subdivision application in accordance with the procedures for assessment outlined by the applicable provincial Ministry of the Environment, Conservation and Parks (MECP) Noise Pollution Control (NPC) Guidelines.

The final update to the Environmental Noise Report was submitted as a letter issued on June 25, 2024, by Colin Novak PhD, PEng. – akoustik engineering limited, which indicates specific requirements for a 2.0m (6.56 ft) high, noise barrier fence along an identified location in the proposed subdivision. Adherence to this requirement falls under responsibilities of the upper-tier municipality (The County of Essex) as the approval authority for a draft plan of subdivision. It is anticipated that the County of Essex will list the specific requirements for noise mitigation as one of the conditions of draft plan approval.

Figure 2 – Land Use Designation Map – Kingsville Official Plan



## Natural Heritage

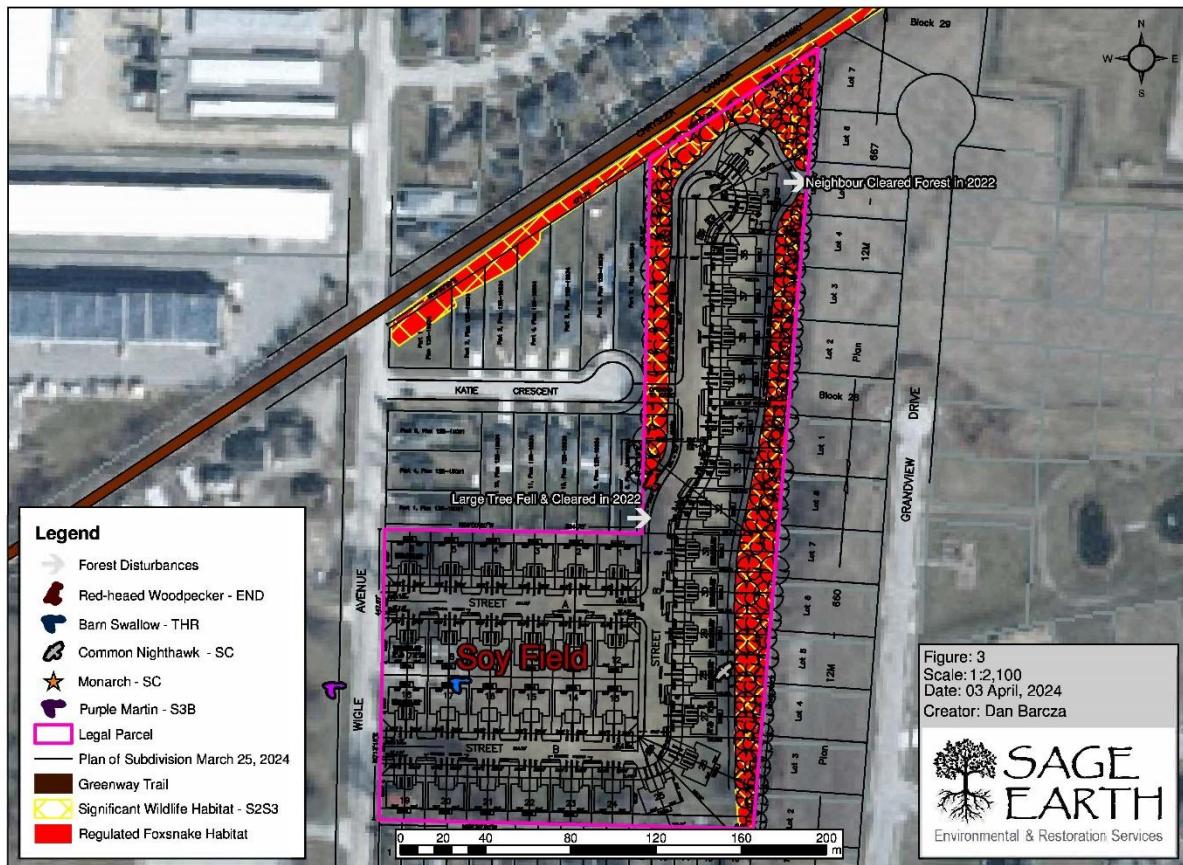
Section 2.1 requires that natural features and areas shall be protected for the long term; and further (Section 2.1.7) that development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

Both the Kingsville Official Plan, as well as the County of Essex Official Plan identify portions of the subject land as “Natural Environment Overlay” at the northern limits of the property. Accordingly, County of Essex required an Environmental Impact Assessment (EIA) and Endangered Species Act Assessment (ESAA) study to be provided as part of the supporting documents for draft plan of subdivision application. The study provided by the applicant’s ecologist identified areas shown in “Figure 3” as protected natural heritage areas under PPS 2020.

Due to the findings of the ecologist, the proponent is required to submit an Information Gathering Form (IGF) for activities that may affect species or habitat protected under the Endangered Species Act to the provincial Ministry of the Environment, Conservation and Parks (MECP). The purpose of the IGF form is to gather the information that proponents need to submit to the Ministry to inform the Ministry's determination of whether or not a proposed activity is likely to contravene subsection 9(1) or 10(1) of the ESA and whether it is advisable for the proponent to apply for an overall benefit permit under section 17 of the ESA prior to proceeding with the activity.

Figure 3 – Protected Natural Area identified by the ecologist authoring the EIA/ESAA Report

### 175 Wigle Ave, Kingsville - PPS Protected Natural Heritage Areas



The protection of matters of provincial interest, namely natural features in this instance, fall under responsibilities of the upper-tier municipality (The County of Essex) as the approval authority for a draft plan of subdivision. Thus, those areas of the subject land, which have been identified as needing environmental protection, remediation, and mitigation measures (according to the details provided by the ecologist in the EIA report), will remain under holding provisions (Zoning By-law 1-2014) until such time that The County of Essex provides Town of Kingsville Planning Services with the direction that the requirements of MECP have been satisfied and the "Hold" symbol may be removed, and development may proceed by way of issuing building permits (see pages 9-10 of this report for more information on the ZBA and Holding provisions.)

### Cultural Heritage and Archeology

Section 2.6.2 requires that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. Before approving a development project regulated by legislation, an approval authority may require an archaeological assessment of all lands that are part of the project. Assessments are

required when the land has either a known archaeological site, or the potential to have archaeological sites. The assessment must be carried out by licensed archaeologists and are based on a 'checklist' to help identify areas of archaeological potential on lands being developed.

As a matter of provincial interest, archaeology and cultural resources fall under the authority of the County of Essex as the approval authority for a draft plan of subdivision. The County required an archaeological assessment study to be provided as part of the supporting documents for draft plan of subdivision application, which resulted in completion of Stage 4 Archaeological Mitigation, by Lincoln Environmental (May 2024). Stage 4 mitigation of development impacts involves implementing conservation strategies for archaeological sites but does not mean stopping development. The Stage 4 Archaeological Mitigation report has satisfied the County of Essex' requirements for protecting provincial interest for the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.

## **Minerals and Petroleum**

PPS (Sections 2.4.1, 2.4.2.2 and 2.4.4.1) require that Minerals and petroleum resources shall be protected for long-term use; and that any development (which would) hinder the establishment of new operations or access to the resources shall only be permitted if the proposed land use or development serves a greater long-term public interest.

Both the Kingsville Official Plan and the County of Essex Official Plan (Schedule "E1" Resources) identifies the subject property being located within the lands on the surface of known petroleum resources and production; and describe land use policies related to development encroaching on known deposits and existing producing well areas.

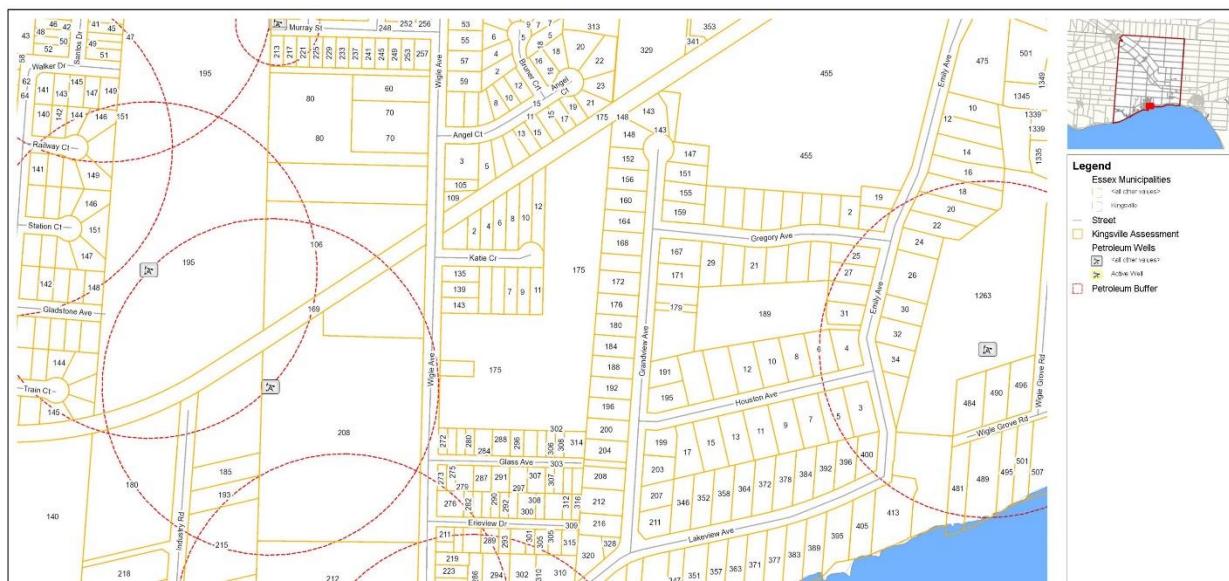
Section 2.3.1 of the County of Essex Official Plan indicates that (new) Petroleum resource operations, exploration and drilling under the *Oil, Gas and Salt Resources Act* will be (only) permitted within the "Agricultural" designated lands. Since the subject property is within Residential designated lands (Kingsville OP), no new extraction facilities will be permitted on this site, therefore the proposed development will not be the primary reason hindering the establishment of new operations or access to the resource. Furthermore, PPS 2020, County of Essex Official Plan and Kingsville Official Plan all indicate that proposed new land uses or developments are permitted within the lands on the surface of known petroleum resources, when they serve a greater long-term public interest, which in this case is much needed housing.

Additionally, according to section 10.2 (1) of the *Oil, Gas and Salt Resources Act*, section 2.3.1 of the County of Essex Official Plan, and section 4.4 a) of Kingsville Official Plan, all new development shall be setback a minimum of 75 metres from existing wells. An examination of Town of Kingsville GIS mapping indicates that the subject land falls outside the 200m (656.17 ft) radius buffer of any existing Petroleum Wells (Figure 4), which is consistent with the information publicly available at the

province's Geospatial Data (<https://geohub.lio.gov.on.ca/datasets/lio::petroleum-well/about>)

Adherence to this regulation falls under responsibilities of the upper-tier municipality (The County of Essex) as the approval authority for a draft plan of subdivision. According to the information provided above, the proposed development may be permitted on the subject land, which is located on the surface of known petroleum resources.

**Figure 4 – Location of Petroleum Wells with 200m radius buffer**



In conclusion, the proposed draft plan of subdivision meets the policy directions of PPS 2020, County of Essex Official Plan and Kingsville Official Plan.

### **Municipal Zoning By-law**

The portion of the lands which are part of the proposed draft plan of subdivision are zoned "General Commercial - Holding [C4(h)]" in the Comprehensive Zoning By-law 1-2014, for the Town of Kingsville (Figure 5).

The owner has submitted an application for Zoning By-law Amendment (ZBA) to change the zoning designation of the portion of the land which is part of the proposed draft plan of subdivision from General Commercial - Holding [C4(h)] to a site-specific residential zone to permit semi-detached dwellings somewhat similar to R2.1 zoning designation. The applicant is also requesting changes in lot area, lot coverage, and side yard setbacks which will be outlined and presented to Kingsville Council in a future report. That report will also request amendments to certain blocks as shown on the draft plan of subdivision (see Appendix B):

- The zoning designation of Block 29 will be changed to “Public Utilities/Facilities (MG) - Holding [MG (h)]” to allow for the placement of the 3.05m wide municipally owned pathway to connect the proposed subdivision to Grandview Avenue.
- Blocks 30 and 31 will be changed to Environmental Reserve District Holding (ERD (h)) to prohibit any improvements or construction.

For the proposed draft plan of subdivision at 175 Wigle Avenue, until the Zoning By-law is amended to allow for the requested proposal (allowing semi-detached residential units on specified sized lots), the draft plan of subdivision may not be approved, since the proposed residential subdivision is in contravention of the applicable Zoning By-law.

### Removal of Holding Provisions

The current holding provisions associated with the zoning designation of the property, are in place to achieve orderly staging of development, to guarantee adequate infrastructure and facilities will be available for the specified proposed type of development, to adopt measures to mitigate any negative impacts of development, and to satisfy policies of the Kingsville Official Plan.

On approval of the Plan of Subdivision and subsequent zoning, the Town will negotiate a Development Agreement with the Developer that includes any conditions outlined by the County of Essex, as well as any conditions required by the Town of Kingsville to implement its zoning, or development standards as described in the Town’s Development Manual or other regulatory processes (e.g. CLI-ECA).

Once the development/subdivision agreement has been fully executed by the owner and the municipality, and adequate securities have been collected by the Town of Kingsville, the owner may apply for a Zoning By-law Amendment to remove this existing (original) holding symbol only on those parts of the lands which are not protected natural area identified by the ecologist authoring the EIA/ESAA Report (Figure 3).

**Figure 5 – Zoning Designation Map**



Those parts of the proposed subdivision that are protected natural areas (see Figure 3) will remain under the holding provision which will stipulate that Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with all provincial and federal requirements. This holding provision for the protection of habitat of endangered species and threatened species will remain in place until such time that the County of Essex provides Town of Kingsville direction that the Hold may be removed once all provincial and federal requirements have been met.

## **Development Standards**

The Draft Plan of Subdivision will also have to comply with municipal Development Standards related to functional servicing, storm water management, lighting, road and cul-de-sac design, linear infrastructure and other requirements.

In its review, Town Engineering identified that it appears the proposed cul-de-sac at the north end of the development is undersized and does not satisfy the Town's design standards. Typically, these design considerations are managed through the Development Agreement process, but in this instance, the resolution of the cul-de-sac may be required at the approval of Draft Plan as it may impact the proposed layout of residential lots and blocks for natural area protection. To that end, the Town is identifying this as a condition to be resolved prior to approval of Draft Plan of Subdivision.

## **CONSULTATIONS**

The County of Essex, as the approval authority for plans of subdivision, has conferred with the persons or public bodies which they consider may have an interest in the approval of the proposed subdivision (see appendix E), according to section 51 (23) of the Planning Act.

Furthermore, in accordance with section 51 (19) of the Planning Act and Subsection 2 of Ontario Regulation 544/06, the County of Essex requested that Town of Kingsville give public notice of the application on its behalf. Town of Kingsville provided public notice (see appendix D) by:

- a. ordinary mail, to every owner of land within 120 metres of the subject land; and
- b. posting notice signs, clearly visible and legible from a public highway or other place to which the public has access, namely on Wigle Avenue frontage of the subject land, an at the cul-de-sac end of Katie Crescent.

In addition to the above required ordinary mail and sign posting notices, an additional notice has been placed on Kingsville's municipal webpage at the following link: [kingsville.ca/en/news/planning-items-for-review-at-the-october-7-2024-council-meeting.aspx](http://kingsville.ca/en/news/planning-items-for-review-at-the-october-7-2024-council-meeting.aspx) (see appendix F.).

Public comments received to date are attached (see appendix H.)

## **FINANCIAL CONSIDERATIONS**

Town of Kingsville will be collecting subdivision securities in accordance with requirements and conditions which will be stipulated in the development/subdivision agreement. At the appropriate time release of the collected securities will be managed by Town of Kingsville.

Upon completion of servicing the subdivision, once building permits can be issued on each block, development charges and building permit fees will be collected, which ultimately will contribute to additional taxation, water, and wastewater revenue for Town of Kingsville.

### **PREPARED BY:**

*Sahar Jamshidi*

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Sahar Jamshidi, RPP, MCIP, C.E.T  
Manager of Planning

### **REVIEWED BY:**



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Richard J.H. Wyma CSLA  
Director of Planning and Development

Appendix A – Key Map

Appendix B – Draft Plan of Subdivision

Appendix C – County of Essex Request to Notify

Appendix D – Notice of Application for Draft Plan of Subdivision

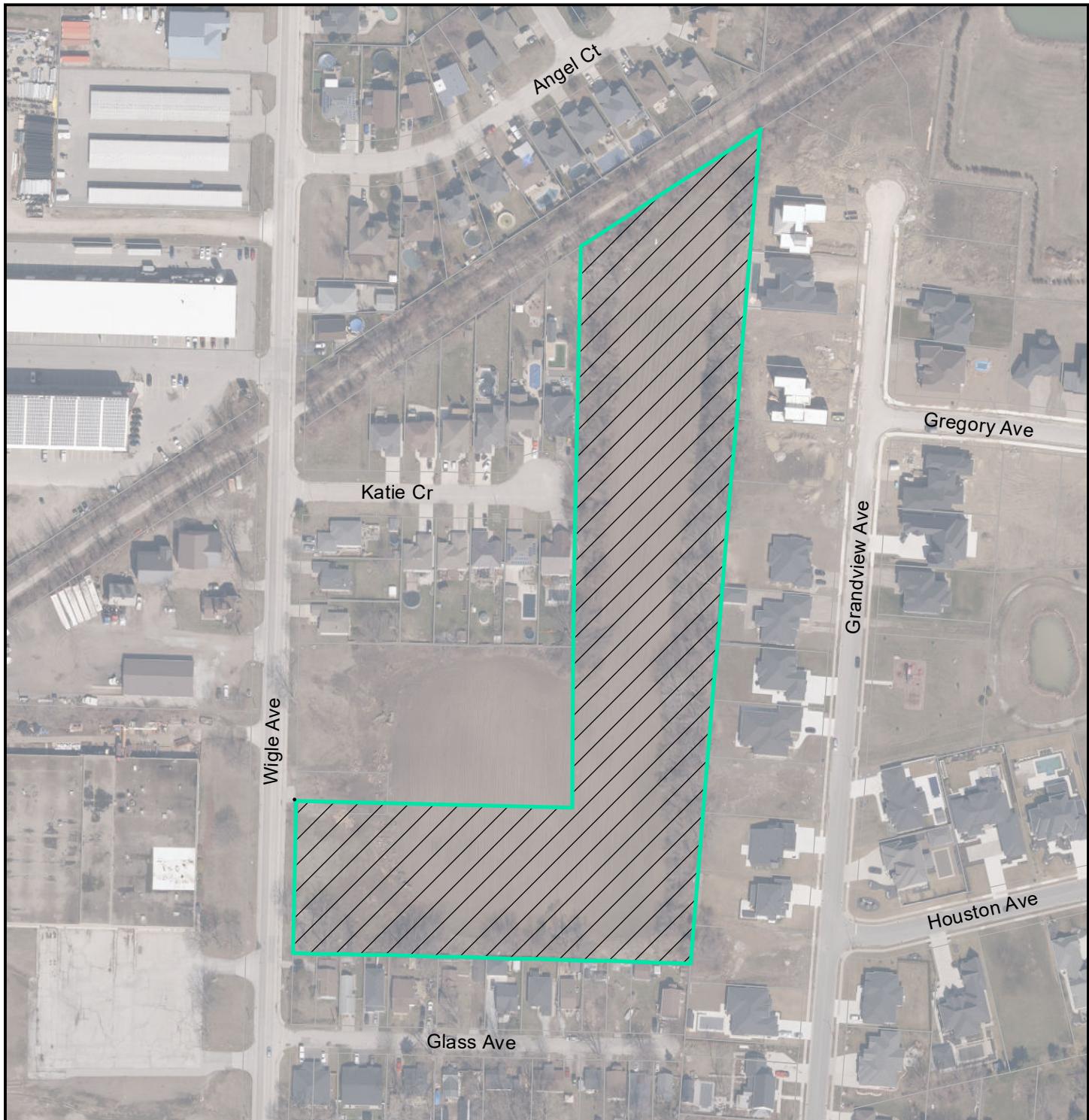
Appendix E – County of Essex Request for Comments

Appendix F – Website Notice Sept 18, 2024

Appendix G – Notice Signs Placed on Public Highways

Appendix H – Public Comments

# Appendix A - Key Map



**175 Wigle Ave.  
Proposed Draft Plan of  
Subdivision Town of Kingsville**

0 25 50 100 150 Meters



Limits of Draft Plan of Subdivision (Area of Development)



## Appendix C – County of Essex Request to Notify



Rebecca Belanger, MCIP, RPP  
Manager of Planning Services  
The Corporation of the County of Essex

August 9, 2024

**VIA EMAIL ONLY**

Town of Kingsville  
Attention: Ms. Angela Toole, Acting Clerk  
2021 Division Road North  
Kingsville, ON N9Y 2Y9

**Subject: Notice of an Application and Request to Notify the Public and Public Bodies**

**Municipality: Town of Kingsville**

**Location: 175 Wigle Avenue**

**Applicant: 1364674 Ontario Ltd. c/o Anthony Abraham**

**County of Essex File No. 37-T-24007**

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Dear Ms. Toole:

Pursuant to Subsection 51(19.1) of the Planning Act, the County of Essex advises the Town of Kingsville that the attached proposed draft plan of subdivision, County of Essex File No. 37-T-24007 has been deemed complete.

It is also requested that you give Notice of the Application in accordance with Subsection 51(19) of the Planning Act and Subsection 4 of Ontario Regulation 544/06 as amended by Regulation 298/19. The regulation provides that the approval authority may require the local municipality to provide public notice of the receipt of an application on its behalf.

Notice of the application shall be given to the public and identified agencies in accordance with Subsection 4 of Ontario Regulation 544/06. The public notice shall include the below information:

- (i) include a description of the proposed plan of subdivision;
- (ii) include a description of the subject land or a key map showing the location of the land proposed to be subdivided;
- (iv) indicate where and when additional information regarding the proposed plan of subdivision will be available to the public for inspection;
- (v) if applicable, a request that the notice be posted by the owner of any land that contains seven or more residential units in a location that is visible to all of the residents;
- (vii) include the following statement:

For more information about this matter, including the information about preserving your appeal rights, contact Rebecca Belanger, Manager, Planning Services, County of Essex, 360 Fairview Avenue West, Essex, ON, N8M1Y6, or at [rbelanger@countyofessex.ca](mailto:rbelanger@countyofessex.ca) indicating the County of Essex file number.

519-776-6441 ext. 1325  
TTY 1-877-624-4832

360 Fairview Ave. W.  
Suite # 302 Essex, ON N8M 1Y6

countyofessex.ca

Notice of Complete application and request to notify 37-T-24007  
August 9, 2024

Further, based on Subsection 51(22) Notice of the application should also advise that “any person or public body may make written submissions to the approval authority before the approval authority makes its decision under subsection (31) of the Act”.

We would also request that this application be brought to an upcoming Council Meeting seeking a resolution of support and provide the same to the County, along with any requested conditions of approval as in Subsection 51(25) of the Planning Act.

Thank you for your assistance in this matter.

Yours truly,



**REBECCA BELANGER, MCIP, RPP**  
Manager, Planning Services

c.c.    Richard Wyma            Robert Brown            Anthony Abraham



## Planning Services

### NOTICE OF APPLICATION FOR DRAFT PLAN OF SUBDIVISION

**A change is proposed for  
part of the vacant lands located at 175 Wigle Avenue (see attached map)**

**Location:** Part of vacant lands Municipally known as 175 Wigle Avenue (Lots 73, 74, 75 and 76, part of lots 64 and 69, part of Bauslaugh Avenue, part of unnamed strip and lane Registered Plan 344, and part of Block B Registered Plan 424, in The Town of Kingsville)

**Applicant:** 1364674 Ontario Ltd. c/o Anthony Abraham  
**File No.:** SUB-2024-01 – Residential Subdivision  
(Approval Authority - County of Essex File No.: 37-T-24007)

#### Description of Proposed Plan of Subdivision

The County of Essex (Approval Authority) has received and deemed complete an application for a Draft Plan of Subdivision, File No. 37-T-24007. The subject property is currently vacant (agricultural use) and is located on the east side of Wigle Avenue, between Katie Crescent and Glass Avenue as shown in the attached key map and the Draft Plan of Subdivision.

The portion of the land which is being considered for the draft plan of Subdivision is designated Residential within Kingsville Official Plan, and zoned "Highway Commercial - Holding [C4(h)]" in the Comprehensive Zoning By-law 1-2014, for the Town of Kingsville. The applicant has applied for Draft Plan of Subdivision Approval for twenty-eight (28) lots for fifty-six (56) semi-detached dwelling units, two (2) blocks for natural heritage protection, and one (1) block for a pedestrian pathway. The new lots will have access from the proposed L-shaped right-of-way (Street A), which will be dedicated as a public road and will connect to Katie Crescent.

It is part of the County of Essex process to request a resolution of support from the local municipal Council for a plan of subdivision approval. **Date this matter will be considered by the Town of Kingsville Council seeking a resolution of support is Monday, October 7th, 2024.**

Based on recent changes to the Planning Act, **there is no requirement to hold a statutory public meeting and this notice is provided for information purposes to the public.** Further, based on Subsection 51(22) Notice of the application should also advise that "any person or public body may make written submissions to the approval authority (County of Essex) before the approval authority makes its decision under subsection (31) of the Act".

**For More Information** about this matter, including the information about preserving your appeal rights, contact Rebecca Belanger, Manager, Planning Services, County of Essex, 360 Fairview Avenue West, Essex, ON, N8M1Y6, or via email at [rbelanger@countyofessex.ca](mailto:rbelanger@countyofessex.ca), indicating the **County of Essex file number, No. 37-T-24007 – 175 Wigle Residential Subdivision**, in the subject of the email.

**Any comments regarding this proposed subdivision should be submitted to the County of Essex for consideration no later than October 14, 2024.**

Any owner of any land that contains seven (7) or more residential units is requested to post this notice in a location that is visible to all the residents.

## Planning Services

If you would like to know more about this application or to tell us what you think  
you can attend the Council Meeting.

**WHEN:** October 7, 2024 - 6:00 p.m.

**WHERE:** Virtual meeting on Zoom – Please see the “Electronic Participation” document for instruction, attached to this notice

**OR**

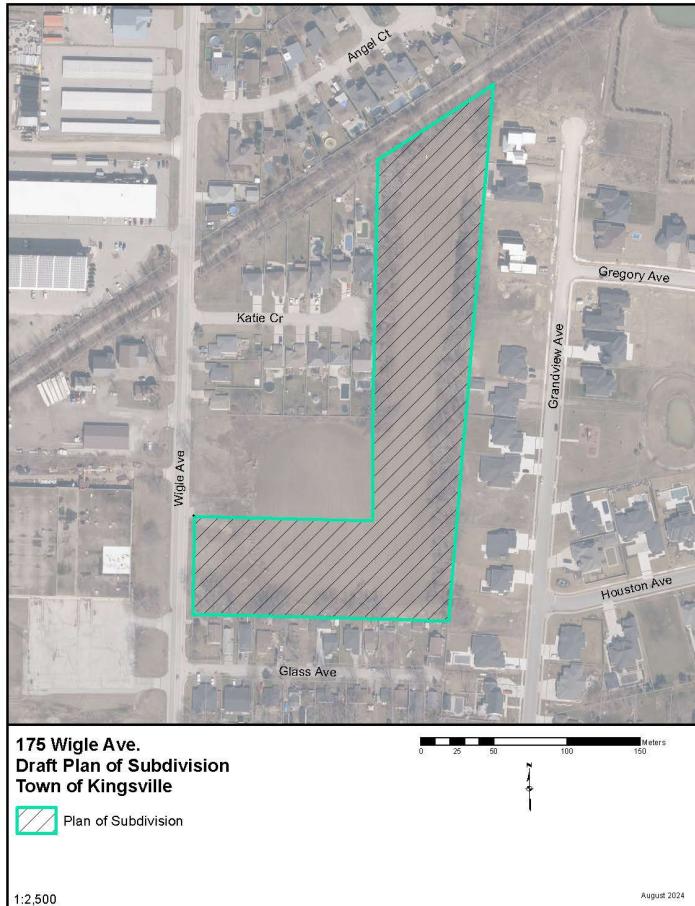
In-person by attending the public meeting at:

Unico Hall Community Centre, 37 Beech Street, Kingsville, ON N9Y 1A9

**Any Person or Public Body** may make written submissions to the approval authority before the approval authority makes its decision under subsection (31) of the Act.

Dated at the Town of Kingsville this 9<sup>th</sup> day of September 2024.

Key Map

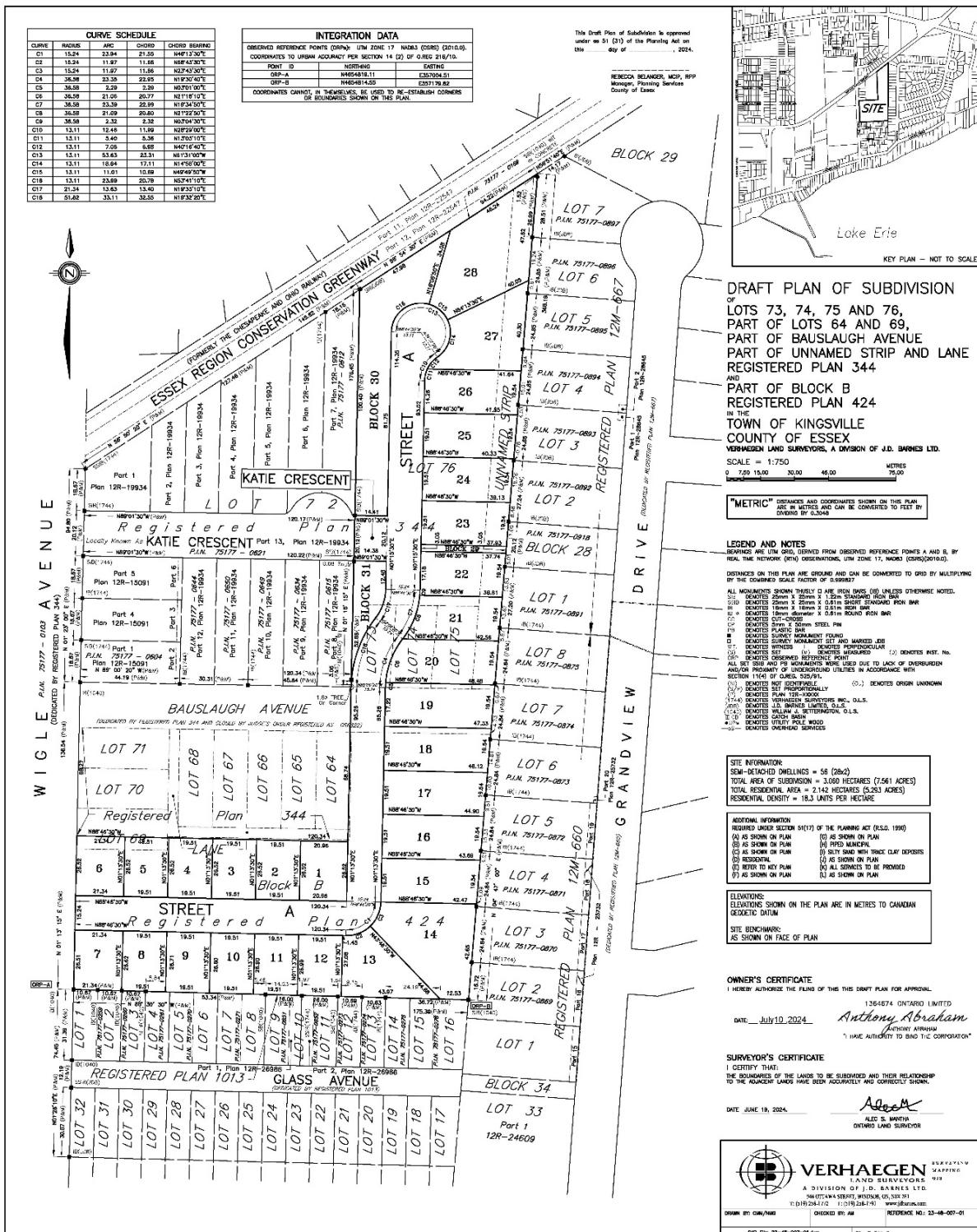




## Planning Services

2021 Division Road North  
Kingsville, Ontario N9Y 2Y9  
Phone: (519) 733-2305  
[www.kingsville.ca](http://www.kingsville.ca)  
[planning@kingsville.ca](mailto:planning@kingsville.ca)

## Draft Plan of Subdivision





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Kingsville, Ontario N9Y 2Y9  
Phone: (519) 733-2305  
[www.kingsville.ca](http://www.kingsville.ca)  
[planning@kingsville.ca](mailto:planning@kingsville.ca)

## Planning Services

### Electronic Participation

This meeting will be held in person, with an electronic element, in accordance with Procedural By-law 77-2021. Delegates and presenters will be provided with the option to attend in-person or electronically and spectators will be allowed into the building to watch or can continue to use the livestream option.

#### If you wish to participate via zoom, please read the instructions below:

Delegates, participants, and members of the public wishing to participate electronically **must request Zoom details by 11:00 am on the date of the public meeting**, as per By-Law 77-2021. Please refer to the contact information provided with this notice.

Please note that neither a computer, nor a video sharing device, is required to participate in the meeting via Zoom. You may also opt to call in from a cell or landline.

Persons who intend to participate electronically during the meeting may wish to register/sign up in Zoom, if they have not already done so. The following information is provided for your consideration and guidance during remote participation in the meeting:

- **Please join the meeting by 5:55 PM in order to avoid any delays.** If you have not joined the public meeting while your Agenda Item is up for public comment you will have forfeited your request.
- When you join the meeting, either by phone or online, you will be admitted in as an attendee. You will not be greeted upon joining the call. You will be able to hear the meeting and see the active speaker (if you have video capability), but your mic will be muted until it is your turn to speak.
- If you join the Zoom meeting through your phone, please **Do not put the phone on hold at any time**, as this will result in broadcasting “hold music” online once your mic function is unmuted.
- To optimize call quality when using a laptop, a headset with microphone is recommended. If you are using your laptop microphone or cell phone, please speak directly into the receiver and do not use speaker phone
- **Please do not forward the Zoom meeting details with anyone or post through social media.** Only registered participants will be admitted to the Zoom meeting.
- **Participants should keep comments directly related to the matter to which they are speaking to.** Questions are to be directed to the Chairperson. Council Members may choose to ask you follow-up questions following your remarks, comment, or ask staff to respond to your comments.
- After providing your comments and answering any questions that may be directed to you, the Meeting Coordinator will disconnect you from the Zoom meeting.

#### For more information, please contact:

Town of Kingsville, Planning Services

Phone: 519-733-2305 Ext. 244

Email: [planning@kingsville.ca](mailto:planning@kingsville.ca)

The Corporation of the Town of Kingsville

2021 Division Road North

Kingsville, Ontario N9Y 2Y9

## Appendix E – County of Essex Request for Comments



Rebecca Belanger, MCIP, RPP  
Manager of Planning Services  
The Corporation of the County of Essex

July 23, 2024

- Town of Kingsville - Attention: Richard Wyma
- Essex Region Conservation Authority- Attention: Alicia Good
- Greater Essex County District School Board- Attention: Giuliana Hinchliffe and Adam Brutto
- Windsor Essex Catholic District School Board- Attention: Meagan Adams and Adam Brutto
- Conseil scolaire catholiques Providence- Attention: Jean Jr Blanchette [blanjean@cscprovidence.ca](mailto:blanjean@cscprovidence.ca)
- Conseil scolaire Viamonde- Attention: Miguel Ladouceur [ladouceurm@csviamonde.ca](mailto:ladouceurm@csviamonde.ca)
- Bell Canada- Attention: CA.Circulations@wsp.com
- ELK Energy - Attention: Farooq Hyder
- Enbridge- Attention: Barbara M.J. Baranow
- Canada Post- Attention: Bruno DeSando

Dear Sir/Madame:

**Re: Request for Comments  
Proposed Draft Plan of Subdivision  
Location: 175 Wigle Avenue, Town of Kingsville  
Applicant: 1364674 Ontario Ltd. c/o Anthony Abraham  
County of Essex File No. 37-T-24007**

---

The County of Essex has recently received the above noted application and deemed the application to be complete. Please find attached information in this regard.

As noted above, the circulation consists of an application seeking approval of a draft plan of subdivision located at 175 Wigle Avenue in the Town of Kingsville, File #37-T-24007, which will be seeking draft plan approval for twenty-eight (28) lots for fifty-six (56) semi-detached dwelling units, two (2) blocks for natural heritage protection, and one (1) block for a pedestrian pathway.

We request that you review this proposal based on the mandate of your respective organization and provide any comments and/or concerns that you have to me by **August 14, 2024**. Any requested conditions will be considered for inclusion into the Notice of Decision as conditions of draft plan approval.

Should you have any questions concerning this application, please do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read "Rebecca Belanger".

**REBECCA BELANGER, MCIP, RPP**  
Manager, Planning Services

cc. Anthony Abraham      Robert Brown

📞 519-776-6441 ext. 1325  
TTY 1-877-624-4832

📍 360 Fairview Ave. W.  
Suite # 302 Essex, ON N8M 1Y6

💻 [countyofessex.ca](http://countyofessex.ca)



## Planning Items for Review at the October 7, 2024 Council Meeting

Posted Wednesday, September 18, 2024

[< Back to Search](#)



Council will review the following applications at its October 7, 2024 meeting:

**175 Wigle Avenue:** An application for a draft plan of subdivision. The owner is proposing a residential subdivision consisting of twenty-eight (28) lots for fifty-six (56) semi-detached dwelling units, two (2) blocks for natural heritage protection, and a pedestrian pathway. Per the *Planning Act*, the County of Essex is the approval authority for proposals for subdivisions. Review the application: [SUB-2024-1 \(/en/news/resources/Planning-Notices/SUB-2024-01-Notice-of-Application-Draft-Plan.pdf\)](#).

The meeting begins at 6:00 pm. If you wish to submit comments on this proposal, **please send them to Rebecca Belanger, Manager of Planning for the County of Essex** at [reblanger@countyofessex.ca](mailto:reblanger@countyofessex.ca).

Council and Committee meetings are held at the Unico Community Centre, 37 Beech Street.



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Kingsville, Ontario N9Y 2Y9  
Phone: (519) 733-2305  
[www.kingsville.ca](http://www.kingsville.ca)  
[planning@kingsville.ca](mailto:planning@kingsville.ca)

## Planning Services

### NOTICE OF APPLICATION FOR DRAFT PLAN OF SUBDIVISION

**A change is proposed for  
part of the vacant lands located at 175 Wigle Avenue (see attached map)**

**Location:** Part of vacant lands Municipally known as 175 Wigle Avenue (Lots 73, 74, 75 and 76, part of lots 64 and 69, part of Bauslaugh Avenue, part of unnamed strip and lane Registered Plan 344, and part of Block B Registered Plan 424, in The Town of Kingsville)

**Applicant:** 1364674 Ontario Ltd. c/o Anthony Abraham

**File No.:** SUB-2024-01 – Residential Subdivision  
(Approval Authority - County of Essex File No.: 37-T-24007)

#### Description of Proposed Plan of Subdivision

The County of Essex (Approval Authority) has received and deemed complete an application for a Draft Plan of Subdivision, File No. 37-T-24007. The subject property is currently vacant (agricultural use) and is located on the east side of Wigle Avenue, between Katie Crescent and Glass Avenue as shown in the attached key map and the Draft Plan of Subdivision.

The portion of the land which is being considered for the draft plan of Subdivision is designated Residential within Kingsville Official Plan, and zoned "Highway Commercial - Holding [C4(h)]" in the Comprehensive Zoning By-law 1-2014, for the Town of Kingsville. The applicant has applied for Draft Plan of Subdivision Approval for twenty-eight (28) lots for fifty-six (56) semi-detached dwelling units, two (2) blocks for natural heritage protection, and one (1) block for a pedestrian pathway. The new lots will have access from the proposed L-shaped right-of-way (Street A), which will be dedicated as a public road and will connect to Katie Crescent.

It is part of the County of Essex process to request a resolution of support from the local municipal Council for a plan of subdivision approval. **Date this matter will be considered by the Town of Kingsville Council seeking a resolution of support is Monday, October 7th, 2024.**

Based on recent changes to the Planning Act, **there is no requirement to hold a statutory public meeting and this notice is provided for information purposes to the public.** Further, based on Subsection 51(22) Notice of the application should also advise that "any person or public body may make written submissions to the approval authority (County of Essex) before the approval authority makes its decision under subsection (31) of the Act".

**For More Information** about this matter, including the information about preserving your appeal rights, contact Rebecca Belanger, Manager, Planning Services, County of Essex, 360 Fairview Avenue West, Essex, ON, N8M1Y6, or via email at [rbelanger@countyofessex.ca](mailto:rbelanger@countyofessex.ca), indicating the **County of Essex file number, No. 37-T-24007 – 175 Wigle Residential Subdivision**, in the subject of the email.

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Any owner of any land that contains seven (7) or more residential units is requested to post this notice in a location that is visible to all the residents.

## Planning Services

If you would like to know more about this application or to tell us what you think  
you can attend the Council Meeting.

**WHEN:** October 7, 2024 - 6:00 p.m.

**WHERE:** Virtual meeting on Zoom – Please see the “Electronic Participation” document for instruction, attached to this notice

**OR**

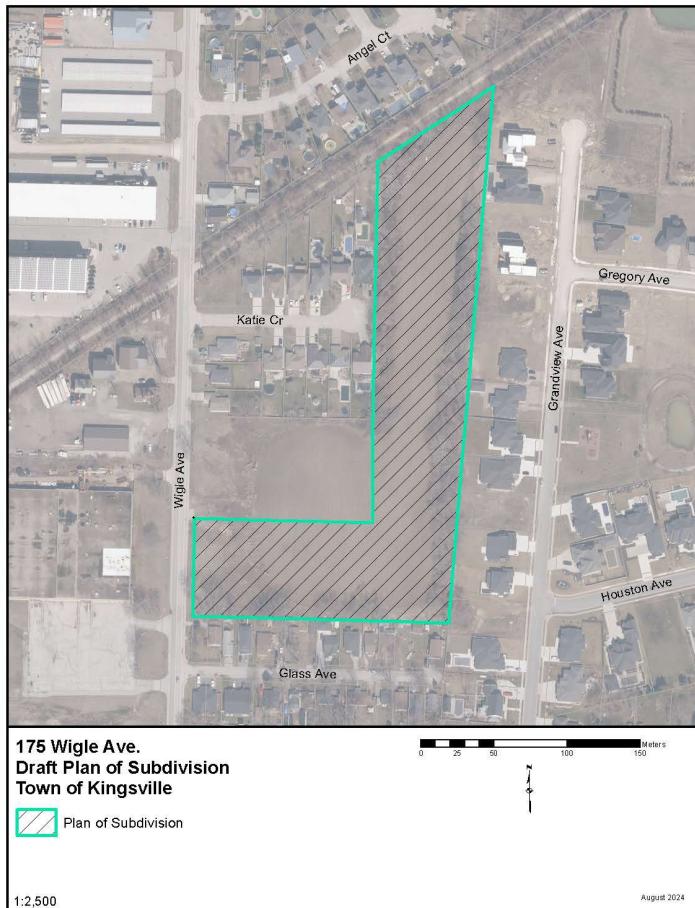
In-person by attending the public meeting at:

Unico Hall Community Centre, 37 Beech Street, Kingsville, ON N9Y 1A9

**Any Person or Public Body** may make written submissions to the approval authority before the approval authority makes its decision under subsection (31) of the Act.

Dated at the Town of Kingsville this 9<sup>th</sup> day of September 2024.

Key Map





## Planning Services

## Draft Plan of Subdivision





2021 Division Road North  
Kingsville, Ontario N9Y 2Y9  
Phone: (519) 733-2305  
[www.kingsville.ca](http://www.kingsville.ca)  
[planning@kingsville.ca](mailto:planning@kingsville.ca)

## Planning Services

### Electronic Participation

This meeting will be held in person, with an electronic element, in accordance with Procedural By-law 77-2021. Delegates and presenters will be provided with the option to attend in-person or electronically and spectators will be allowed into the building to watch or can continue to use the livestream option.

#### If you wish to participate via zoom, please read the instructions below:

Delegates, participants, and members of the public wishing to participate electronically **must request Zoom details by 11:00 am on the date of the public meeting**, as per By-Law 77-2021. Please refer to the contact information provided with this notice.

Please note that neither a computer, nor a video sharing device, is required to participate in the meeting via Zoom. You may also opt to call in from a cell or landline.

Persons who intend to participate electronically during the meeting may wish to register/sign up in Zoom, if they have not already done so. The following information is provided for your consideration and guidance during remote participation in the meeting:

- **Please join the meeting by 5:55 PM in order to avoid any delays.** If you have not joined the public meeting while your Agenda Item is up for public comment you will have forfeited your request.
- When you join the meeting, either by phone or online, you will be admitted in as an attendee. You will not be greeted upon joining the call. You will be able to hear the meeting and see the active speaker (if you have video capability), but your mic will be muted until it is your turn to speak.
- If you join the Zoom meeting through your phone, please **Do not put the phone on hold at any time**, as this will result in broadcasting “hold music” online once your mic function is unmuted.
- To optimize call quality when using a laptop, a headset with microphone is recommended. If you are using your laptop microphone or cell phone, please speak directly into the receiver and do not use speaker phone
- **Please do not forward the Zoom meeting details with anyone or post through social media.** Only registered participants will be admitted to the Zoom meeting.
- **Participants should keep comments directly related to the matter to which they are speaking to.** Questions are to be directed to the Chairperson. Council Members may choose to ask you follow-up questions following your remarks, comment, or ask staff to respond to your comments.
- After providing your comments and answering any questions that may be directed to you, the Meeting Coordinator will disconnect you from the Zoom meeting.

#### For more information, please contact:

Town of Kingsville, Planning Services

Phone: 519-733-2305 Ext. 244

Email: [planning@kingsville.ca](mailto:planning@kingsville.ca)

The Corporation of the Town of Kingsville

2021 Division Road North

Kingsville, Ontario N9Y 2Y9

## Appendix G – Notice Signs Placed on Public Highways

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**Notice posted along Wigle Avenue**



## Appendix G – Notice Signs Placed on Public Highways

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**Notice posted at the cul-de-sac end of Katie Crescent**



## Appendix H – Public Comments

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.



Rebecca Belanger  
*Manager, Planning Services*  
County of Essex  
360 Fairview Ave. W. Suite 302 | Essex, ON | N8M 1Y6  
**P:** 519-776-6441 ext. 1325  
**F:** 519-776-4455  
**TTY:** 1-877-624-4832

This e-mail and any attachments may contain personal information or information that is otherwise confidential. If you are not the intended recipient, any use, disclosure or copying of any part of it is prohibited. If this e-mail is received in error, please immediately reply and delete or destroy any copies of it.

**From:** Rebecca Belanger  
**Sent:** September 26, 2024 1:19 PM  
**To:** 'Pete Unrau' <peteunrau@gmail.com>  
**Subject:** RE: Katie Cres

Good Afternoon Peter,  
I wanted to let you know that I have received your comments and that your comments will also be sent to the Town of Kingsville for consideration as part of their Planning report to Council and will also be sent to the developer for his information.

**From:** Pete Unrau <[peteunrau@gmail.com](mailto:peteunrau@gmail.com)>  
**Sent:** September 26, 2024 12:44 PM  
**To:** Rebecca Belanger <[RBelanger@countyofessex.ca](mailto:RBelanger@countyofessex.ca)>  
**Subject:** Katie Cres

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

Hi, this is Peter Unrau, and my wife Elena, and we have five children that are always playing on the street having a lot of fun playing hockey basketball,

Today, Wednesday, September 18, 2024 I received the attached notice by mail from the town of Kingsville Stating that the planning department is in the process of approving the application by the developer for 56 semi homes that will connect to Katie Crossent as a through way.

This will drastically increase the traffic on our road affecting the safety and well-being of our families.

I strongly opposed the proposed connection of Katie Crossen to these 53 new developments by the town of Kingsville planning department. Katie Crossent has been a cul-de-since constructed. It is the very reason why we build our purchase homes on Katie Crossent. To avoid the noise and hazards of a regular street, changing Katie crossing into a thorough street will result in a dramatic increase in traffic that will compromise the safety of families and children who live on this cul-de-sac and degrade the peace and quiet we currently enjoy.

Thanks.



**Date:** **October 7, 2024**

**To:** **Mayor and Council**

**Author:** **Angela Toole, Acting Manager of Municipal Governance & Clerk**

**RE:** **Pelee Island Winery – Application for a “By-the-Glass Endorsement” to a Winery Licence**

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## **RECOMMENDED ACTION**

That the Council of The Corporation of the Town of Kingsville **SUPPORTS** Pelee Island Winery’s Application to the Alcohol and Gaming Commission of Ontario (“AGCO”) for a “By the Glass” Manufacturer’s Limited Liquor Sales Licence at its manufacturing site (455 Seacliff Drive, Kingsville).

## **BACKGROUND**

On August 24, 2024, Pelee Island Winery submitted a letter to the Acting Manager of Municipal Governance & Clerk (attached to this report), notifying the Town that it is in the process of submitting an application to the AGCO for a “By-the-Glass Endorsement” to its Winery Licence. The letter also requests a resolution from Council in support of the same, as is required to complete the application to the AGCO. If approved, the Acting Manager of Municipal Governance & Clerk will provide Pelee Island Winery with a copy of the resolution. Pelee Island Winery will then be responsible for providing the resolution and any other required documents to the AGCO as part of their application. Council should note that Pelee Island Winery is already licensed to produce wine onsite and to sell bottled wine and cider from its retail store.

## **DISCUSSION**

Under the *Liquor Licence Act, 1990*, Ontario wineries and breweries are permitted to sell wine and beer to patrons in single servings at their manufacturing site.

In 2007, Ontario Regulation 196/07 was enacted under the provisions of *the Liquor Licence Act, 1990*, establishing a new class of liquor sales licence: a “Manufacturer’s Limited Liquor Sales Licence – By-the-Glass Endorsement”. This “By-the-Glass Endorsement” would allow Pelee Island Winery to sell and serve the wine it manufactures on-site, to patrons in single servings, where the sale is primarily aimed at promoting the manufacturer’s product, providing an enhanced tourist experience, or fulfilling an educational experience.

Typically, the AGCO only issues Liquor Sales Licences after such time that a public consultation process has taken place. Unlike a Liquor Sales Licence, O. Reg. 196/07 specifies that a “By-the-Glass Endorsement” is exempt from the public consultation requirements and instead requires that a resolution be passed by the Council of the applicable municipality indicating support for the issuance of the licence, in representation of the community.

If Council supports Pelee Island Winery’s application, their licence would be subject to the following operational restrictions per AGCO regulations:

- The Winery is only able to sell and serve liquor that it has manufactured;
- The Winery is only able to sell and serve liquor Monday to Sunday, 9:00 a.m. to 12:00 a.m.;
- The Winery may only sell and serve liquor in areas approved under the Licence that are on or immediately adjacent to, the manufacturing site and are under the sole control of Pelee Island Winery; and,
- Patrons are only permitted to carry and consume liquor on the manufacturing site in areas under the sole control of Pelee Island Winery and approved under the licence.

In addition to the above AGCO regulations, the notification letter was circulated internally to both the Planning and Development Department and Kingsville Fire & Rescue, for review and comment. The following comments were received:

- Event setup and layout of the assembly area shall not impede or restrict the established and required fire access routes for all emergency services (Fire, EMS, and OPP);
- All exits and egress from the buildings must remain clear of any obstructions;
- The occupant loads of the buildings and various parts of the property (both indoor and outdoor spaces) shall not exceed the established maximums; and
- Patrons should not be permitted to access the Greenway with alcohol.

It is recommended that Council support Pelee Island Winery’s application to the AGCO for a Manufacturer’s Limited Sales Licence. This licence will allow the Pelee Island Winery to promote its products while providing an enhanced visitor experience.

The Town’s letter will make it clear that the Town of Kingsville assumes no liability whatsoever related to the sale of alcohol by Pelee Island Winery or for any other related reason arising from this provision of support.

## **FINANCIAL CONSIDERATIONS**

There are no expected financial imp as a result of Pelee Island Winery’s request.

## **ENVIRONMENTAL CONSIDERATIONS**

None.

## **CONSULTATIONS**

Sue Rice, Economic Development and Tourism Officer  
Richard Wyma, Director of Planning and Development  
Rob Frias, Chief Building Official  
Scott Moore, Fire Chief

PREPARED BY:



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Angela Toole  
Acting Manager of Municipal Governance & Clerk

REVIEWED BY:



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Ryan McLeod, CPA, CA  
Director of Finance and Corporate Services



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John Norton, CAO



August 26, 2024

Town of Kingsville  
2021 Division Road North  
Kingsville, Ontario, N9Y 2Y9

**Attention: Angela Toole, Acting Manager of Municipal Governance and Clerk**

Dear Ms. Toole,

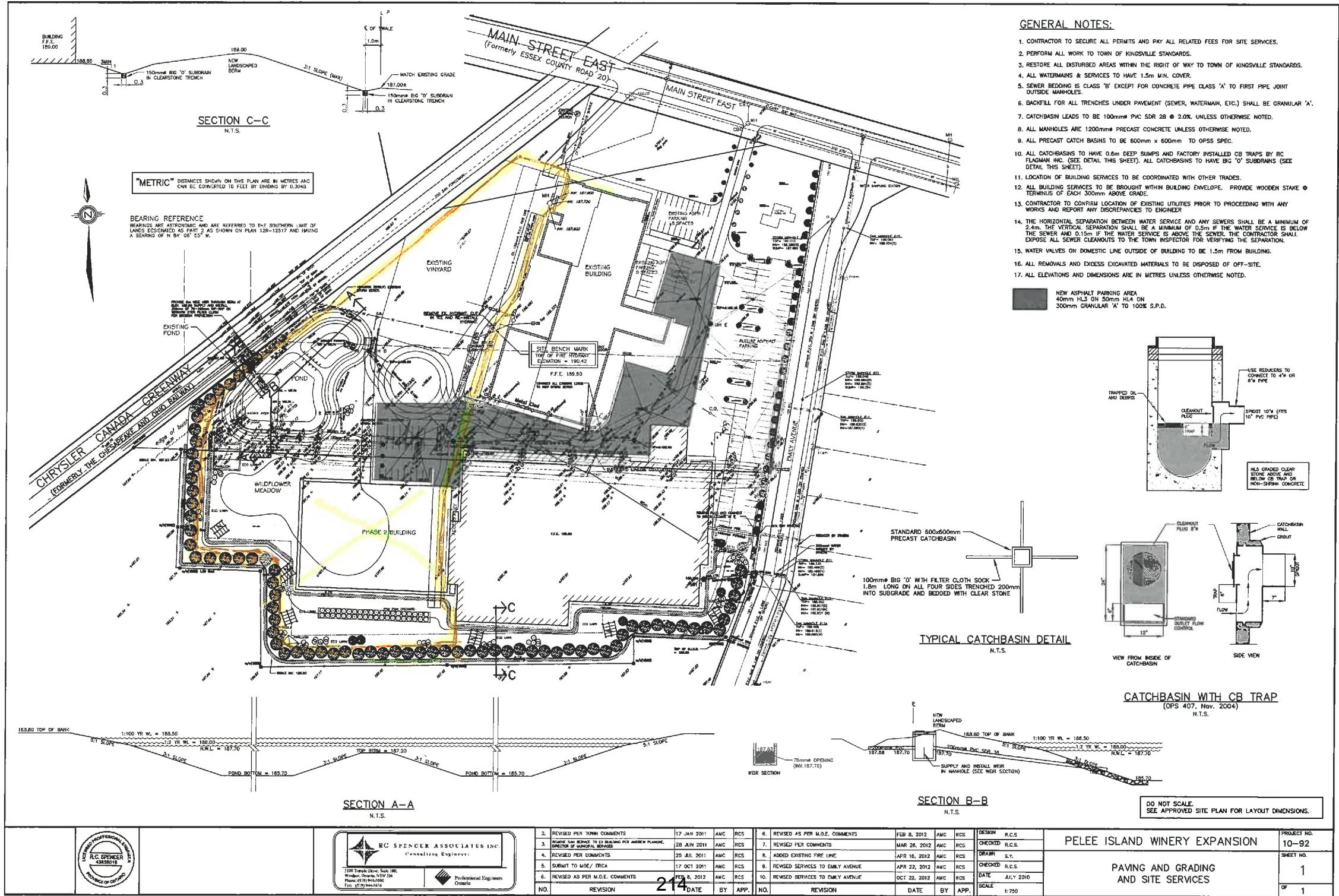
Pelee Island Winery is in the process of submitting to the AGCO an application for "By the Glass" - Manufacturer's Limited Liquor Sales Licence. This licence will allow Pelee Island Winery to sell and serve our wine to patrons for consumption in single servings on our manufacturing site. AGCO requires a municipal resolution to indicate the support of the local community. Attached for your review is a site plan indicating the area in consideration for the licence. We look forward to receiving the municipal resolution in support of our application.

Please don't hesitate to contact me should you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Connor LePoidevin".

Connor LePoidevin  
Marketing & Ecommerce Manager





**Date:** **September 12, 2024**

**To:** **Mayor and Council**

**Author:** **Sahar Jamshidi, MUP, RPP, MCIP, C.E.T.  
Manager of Planning**

**RE:** **Ontario's Planning Process for Plan of Subdivision and Zoning  
By-law Amendment**

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## INFORMATION REPORT

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### BACKGROUND

In Ontario the provinces land use planning framework, and the decisions that are made, shape how our communities grow and prosper. Land use planning in Ontario is a policy-led planning and development system, where a wide range of legislation, regulations, policies and programs may apply to decisions with respect to *Planning Act* applications, affect planning matters, and assist in implementing province's interests.

The main role of the province is to enact or amend laws and policies, which in the context of land use planning translate into the *Planning Act* and a various Provincial Policies. Within Section 2 of the *Planning Act*, the province promotes provincial interests where it indicates that:

“The Minister, the council of a municipality, ... and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, **matters of provincial interest** ...”

A comprehensive list of [matters of provincial interest](#) are provided in Section 2 of the *Planning Act*.

The role of a municipality in Ontario is to:

- make local planning decisions that will determine the future of communities
- prepare planning documents, such as:
  - an official plan, which sets out the municipality's general planning goals and policies that will guide future land use
  - zoning bylaws, which set the rules and regulations that control development as it occurs

- ensure planning decisions and planning documents are consistent with the Provincial Policy Statement and conform or do not conflict with provincial plans

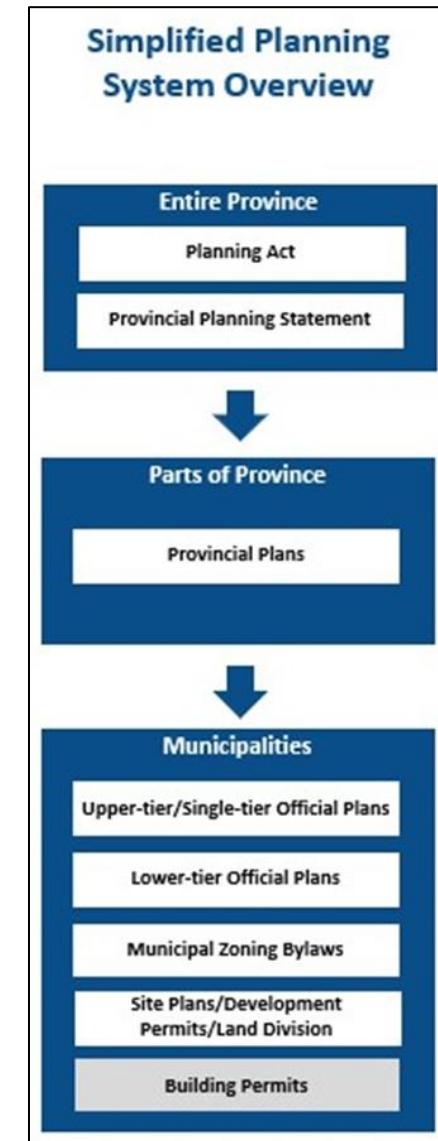
Under the *Planning Act*, municipalities can put approval processes in place. Upper-tier municipalities (such as counties and regional/district municipalities) deal with broad land use planning issues that concern more than one local municipality. All upper-tier municipalities have their own [official plans](#) and have the power to approve local official plans, in place of the Minister of Municipal Affairs and Housing. Some of these upper-tier municipalities are also the approval authority for plans of [subdivision](#), which is the case in Essex County.

## DISCUSSION

Ontario's planning system (see appendix A) helps each community set development goals while keeping social, economic and environmental factors in mind, while it helps municipalities manage land and resources, and guides decisions about where to build homes, to construct factories, to put parks and schools, and to build roads, sewers and other essential services.

Municipal Planning Departments (i.e. County of Essex Planning Services, Town of Kingsville Planning Services) are stewards of the environment, which requires responsible use and protection of both natural and manmade environment. In Ontario land use planners are tasked with being the facilitators of process and enforcer of policies and regulations which the province produces. Below is a summary of various layers of Ontario's policy-led planning and development system, which needs to be followed for every land use project:

1. Provincial Statutes (i.e. *Planning Act*);
2. Provincial Policy Statement(s) issued under the authority of Section 3 of the *Planning Act*. (note: Provincial Policy Statement, 2024 will take effect and replace Provincial Policy Statement, 2020 on October 20, 2024).
3. Municipal Official Plans for both Upper-Tier Municipalities (i.e. County of Essex OP) and Lower-Tier Municipalities (i.e. Town of Kingsville OP)



4. Various types of Land Use Control Instruments (e.g. Zoning By-Law, Subdivision Control, Site Plan Control, etc.)

The *Planning Act* sets the ground rules for land use planning in Ontario. It gives upper-tier and lower-tier municipalities the authority to make local planning decisions which must be consistent with the Provincial Policy Statement and conform with the applicable provincial plans, to ensure we are growing responsibly and sustainably.

Section 51 of the Planning Act speaks to Plan of subdivision approvals. According to subsection 51 (5) of the Planning Act, the County of Essex is the approval authority for Plans of Subdivisions in Town of Kingsville/Essex County.

### **SUBDIVISION CONTROL - PLANS OF SUBDIVISION**

A plan of subdivision is a legal document that shows:

- the exact surveyed boundaries and dimensions of lots on which structures are to be built (the plan does not show specific building locations; the rules for locating buildings are set out in the zoning bylaw);
- the location and width of streets; and
- the sites of any schools, public facilities, or parks.

The plan of subdivision must be:

- surveyed by an Ontario land surveyor;
- conform with the official plan and with any county, regional or district plan (if applicable) as well as provincial policies;
- approved by the proper planning approval authority; and
- registered with an Ontario Land Registry Office.

A registered plan of subdivision creates new, separate parcels of land and can be legally used for the sale of lots.

### **How applications for subdivision are evaluated**

In considering a plan of subdivision, the approval authority evaluates the merits of the proposal against criteria such as:

- conformity with the official plan(s) and compatibility with neighbouring uses of land;
- suitability of the land for the proposed purpose, including the size and shape of the lots and blocks being created;
- adequacy of vehicular access, water supply, sewage disposal, school sites, and the need to ensure protection from potential flooding or other natural or manmade hazards.

The Provincial Policy Statement, 2020 (in effect until October 20, 2024) provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial goals to enhance the quality of life for all Ontarians. The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

Municipal Official Plans (Upper-Tier and Lower-Tier OPs) are the most important vehicle for implementation of the Provincial Policy Statement and for achieving comprehensive, integrated and long-term planning. Official plans identify provincial interests and set out appropriate land use designations and policies. Official plans provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

As the approval authority for Plans of Subdivision, the County of Essex is the authority in charge of protecting matters of provincial interest during the review and approval process for applications under their approval authority. Further, in respect of the exercise of any authority that affects a planning matter, Section 3 of the *Planning Act* requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act. Comments, submissions or advice that affect a planning matter that are provided by the council of a municipality "shall be consistent with" the Provincial Policy Statement.

In reviewing a draft plan of subdivision under PPS, and as required and regulated by the County of Essex as the Upper-Tier and approval authority, administration considers if a proposed development:

- Makes efficient use of existing municipal services
- Is located within a Settlement Areas
- Is compatible with neighbouring land uses. This may include consideration and mitigation of adverse effects such as noise
- Natural Heritage and the protection of habitats, or the mitigation of impacts to provincial species at risk and natural environment.
- Cultural Heritage and Archaeology to ensure that any archaeological resources or areas of archaeological potential are conserved, and impacts mitigated
- Minerals and Petroleum requires that Minerals and petroleum resources shall be protected for long-term use and that new development is setback from existing and known wells

## **Approval of a Plan of Subdivision process:**

### **Draft approval**

Having considered the application, the approval authority (County of Essex) may either "draft approve" or refuse the subdivision proposal (see appendix B).

The approval authority must provide a written notice of its decision (in accordance with subsection 51 (37) of the Planning Act) within 15 days of its decision to:

- (a) the applicant;
- (b) each person or public body that made a written request to be notified of the decision;
- (c) the municipality in which the land to be subdivided is situated; and
- (d) any other person or public body that is prescribed (in the Planning Act).

**When a notice of decision is given for a draft plan of subdivision, a 20-day appeal period follows.** any of the following may appeal the decision:

1. The applicant.
2. A public body that, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority
3. A specified person who, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority.
4. The Minister.
5. The municipality in which the land is located.

Notice to appeal the decision to the Ontario Land Tribunal (OLT) must be filed with the County of Essex no later than 20 days from the date of notice of decision, and should be sent to:

County of Essex  
Attention: Rebecca Belanger, Manager, Planning Services  
360 Fairview Avenue West  
Essex, ON N8M 1Y6  
Tel: (519) 776-6441, Ext. 1325 Fax: (519) 776-4455

If the County of Essex issues draft approval for the proposed plan of subdivision, the owner of the land and the Town of Kingsville will be advised of the conditions which the County of Essex requires to be met to obtain **final approval** and **registration**. Once the Town of Kingsville receives the list of conditions from the County of Essex, it will add its own list of municipal conditions to it, and this combined list of conditions will form the legally binding development agreement (commonly known as Subdivision Agreement.)

Conditions of draft approval are meant to ensure that the development of the land occurs in an orderly manner and in accordance with provincial regulations and policies, as well as municipal Official Plan(s) and Zoning By-law(s), and by making sure that required protection, remediation, and mitigation measures are implemented, and the adequate infrastructure and municipal services will be in place. Conditions of draft approval may include a variety of requirements such as installation or upgrades to municipal services such as sewers and water lines, road widenings, the naming of streets, parkland requirements, rezoning of the lands to reflect the new uses in the subdivision, holding provisions, and other requirements to ensure land use compatibility with other uses.

The draft approval also establishes a time frame within which the conditions must be satisfied or the draft approval lapses.

County of Essex will require that the owner of the land enter into a development agreement with Town of Kingsville wherein the owner agrees to satisfy all the requirements financial and otherwise, including but not limited to: the payment of fees and development charges (including educational development charges), provision of roads, installation and capacity of services, sanitary sewerage collection system, storm water collection system, water distribution system, utilities, stormwater management facilities, sidewalks, active transportation facilities, traffic signage, streetlighting system, pavement markings, temporary lot drainage, temporary drainage systems at limits of subdivision phases, fencing, buffering, retaining walls, and trees for the development of the lands within the plan, all in accordance with approved drawings and specifications.

The County of Essex will require that the development agreement between the owner of the land and the Town of Kingsville contain provisions requiring financial contributions be made and/or secured to the Town of Kingsville including all required letters of credit, cash securities and insurances (for a period of time up to and including two years after final completion of all required municipal infrastructure and services). The fully executed development agreement between the owner of the land and the Town of Kingsville must be registered against the title of the lands to which it applies, prior to the registration of the plan of subdivision with the Ontario Land Registry office.

Draft approval amounts to a commitment to go ahead with the subdivision, if all the conditions of draft approval have been met prior to the lapsing date. Lots may be offered for sale after draft approval but can be sold only after the plan of subdivision has been registered.

## **Registering a subdivision subsequent to final approval**

When all conditions of the draft approval have been met, final approval is given by the County of Essex and the plan of subdivision may be registered with the Ontario Land Registry Office. The developer may then go ahead with the sale of lots in the subdivision.

### **From draft approval to registration of a subdivision**

Considerable time may pass between draft approval and actual registration of the plan. However, Bill 185, Cutting Red Tape to Build More Homes Act, 2024, which received royal assent from the Province of Ontario on June 6, 2024, requires that the approval authorities impose a lapsing condition for all draft subdivision approvals.

The approval authority has the power to give a further extension of draft approval. When determining whether a draft approval should be extended, provincial policies and plans must be considered by the approval authority.

## **MUNICIPAL ZONING BY-LAW**

While the Official Plan sets out the municipality's general policies for future land use, Zoning bylaw(s) put the plan into effect and provide for its day-to-day administration. Zoning bylaw(s) contain specific requirements that are legally enforceable (Applicable Law under the Ontario Building Code Act). Construction or new development that doesn't comply with a zoning bylaw is not allowed.

### **Zoning By-law Amendments (Rezoning)**

If a proposed use or development on a property does not comply with the Zoning By-law, the owner may apply for a zoning change, also known as a Zoning By-law Amendment (ZBA), commonly known as a rezoning application. Council/approval authority can consider a change only if the new use is allowed by the Official Plan. The municipality (Town of Kingsville) is the approval authority for Zoning By-law Amendment requests.

### **Summary of the Zoning By-law Amendment Evaluation and Process**

Once Town of Kingsville receives a complete Zoning By-law Amendment application, the process of amending the By-law is initiated according to the requirements of the Planning Act in the following manner:

1. municipal staff will circulate the application to consult with various external agencies and internal departments, and written comments are requested;
2. municipal Staff will evaluate the requested amendment against criteria such as:

- i. conformity with the Provincial Policies and Official Plan(s);
- ii. compatibility with adjacent land uses;
- iii. suitability of the land for the proposed use and function, including the size and shape of the lot(s) being created;
- iv. adequacy of services such as vehicular access, water supply, sewage disposal. etc.;
- v. natural and manmade hazards such as risk of flooding, or existing land uses which may have an adverse impact on the proposed use and function; and
- vi. Comments received from external agencies and internal departments.

3. municipal staff start drafting the report to Council and the associated by-law;

4. statutory public notice and information is provided to the public 20 days in advance of the statutory public meeting.  
The public is encouraged to send their comments to municipal staff and municipal council for review and consideration;

5. The statutory public meeting is held;

6. council makes a decision to either, pass, differ or refuse the proposed By-law amendment;

7. council gives notice of its decision;

8. possible appeal to the Ontario Land Tribunal. No later than 20 days after the day that municipal Council has issued its decision any of the following may appeal to the Tribunal by filing an appeal with the clerk of the municipality:

- i. The applicant.
- ii. A specified person who, before the by-law was passed, made oral submissions at a public meeting or written submissions to the council.
- iii. A public body that, before the by-law was passed, made oral submissions at a public meeting or written submissions to the council.
- iv. The registered owner of any land to which the by-law would apply, if, before the by-law was passed, the owner made oral submissions at a public meeting or written submissions to the council.
- v. The Minister.

If there are no appeals, the zoning bylaw is effective on the date council passed the bylaw.

**PREPARED BY:**

*Sahar Jamshidi*

Sahar Jamshidi, RPP, MCIP, C.E.T  
Manager of Planning

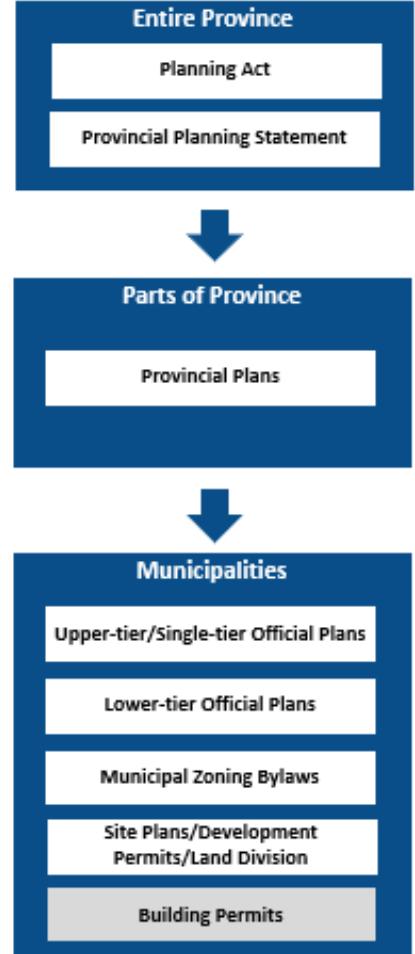
**REVIEWED BY:**



Richard J.H. Wyma CSLA  
Director of Planning and Development

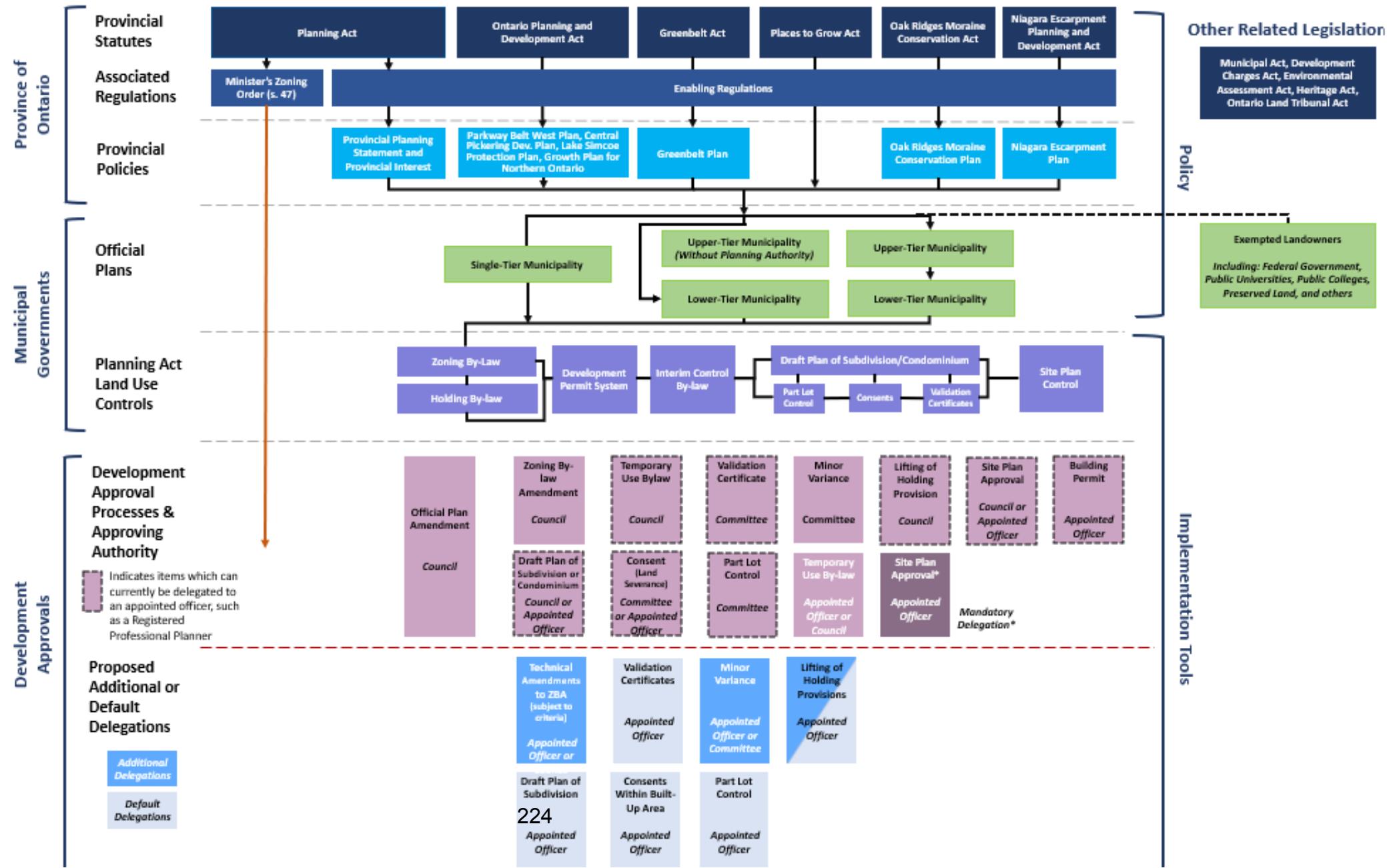
Appendix A – Ontario Planning System  
Appendix B – County of Essex Flowchart for Plans of Subdivision

## Simplified Planning System Overview

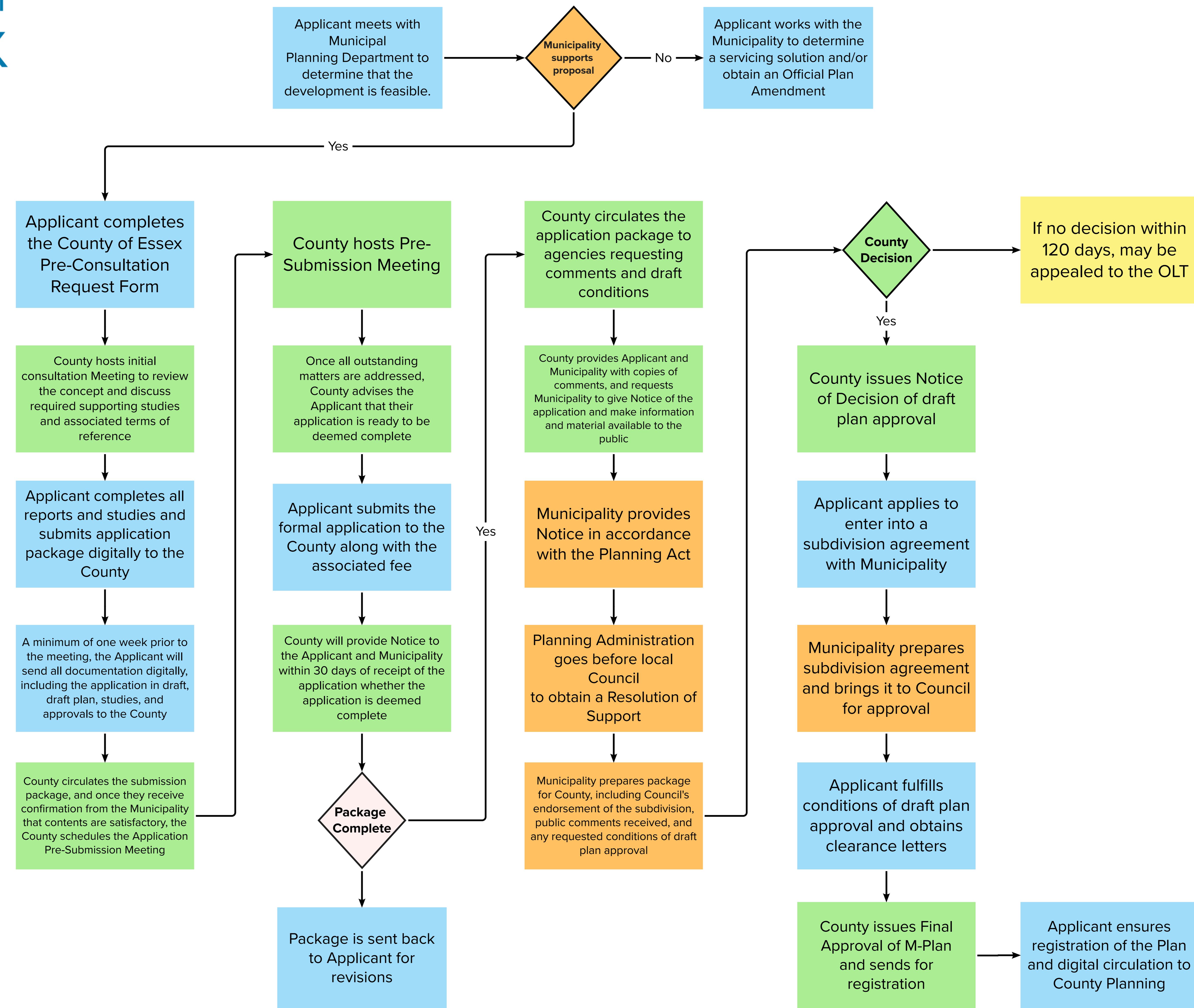


# Appendix A - Ontario Planning System

## Detailed Planning System Overview



## Appendix B – County of Essex Flowchart for Plans of Subdivision



**Legend**

- Applicant Responsibility (Blue)
- County Responsibility (Green)
- Municipal Responsibility (Orange)
- OLT Responsibility (Yellow)



# MINUTES

## MIGRATION FESTIVAL COMMITTEE

May 28, 2024 at 5:30 PM

Arena – Room B

1741 Jasperson Drive,  
Kingsville

### **PRESENT:**

Layne van Loo  
Karen Loney, Staff  
Bailey Waldon  
Glenda Willemsma  
Councillor Debby Jarvis-Chausse,  
Councillor Sheri Lowrie  
William Szabo Verzoc  
Leslie Pittendreigh  
Jane Larson  
Massimo Maiuri

### **A. CALL TO ORDER**

Layne van Loo called the meeting to order at 5:36 PM

### **B. DISCLOSURE OF PECUNIARY INTEREST**

Administration reminded everyone that if a member of the Committee has any pecuniary interest, direct or indirect, in any matter which is the subject of consideration at this Meeting of the Committee (or that was the subject of consideration at the previous Meeting of the Committee at which the member was not in attendance), the member shall disclose the pecuniary interest and its general nature, prior to any consideration of the matter.

### **C. MINUTES OF THE PREVIOUS MEETINGS**

a. Migration Festival Committee Meeting Minutes – April 26, 2024

**THAT the Migration Festival Committee Meeting Minutes dated April 26, 2024 be approved.**



# MINUTES

**Moved by** Leslie Pittendreigh  
**Seconded by** Glenda Willemsma

**CARRIED**

## ORDER OF BUSINESS

- b. Voting for Chair of the Migration Festival Committee

**THAT Layne van Loo be the Chair of the Migration Festival Committee and Bailey Waldon be Vice-Chair.**

**Moved by** Glenda Willemsma  
**Seconded by** Councilor Sherri Lowrie

**CARRIED**

## D. STAFF REPORTS

- Have submitted a request for trucks for Migration Festival Parade
- Opportunities to promote the Migration Festival are Block Parties and Canada Day

## E. INFORMATION ITEMS

- a. Kick-off
  - i. No updates since the last meeting.
  - ii. Marketing for the event to be on the communication coordinator's agenda
- b. Great Migration Paint Out
  - i. 11 registrants currently; no charge for kids. There will be a posted cutoff date.
  - ii. Jim Crichton accepted to be master of ceremony pro bono.
  - iii. Karen Loney suggested the early registration date to close earlier in the future.
- c. Parade
  - i. Glenda Willemsma to call bands about booking for both FOL and MF parades concurrently.
  - ii. Karen Loney to find list about tractors; tractor information to be sent to William Szabo Verzoc.
- d. Children's Activities
  - i. Councillor Sheri Lowrie suggested the success of last year's organizational layout of the Lion's Hall to be used again this year.



# MINUTES

- ii. Inflatables will not be used for the event this year due to cost and size.
- iii. Country Learning Centre Inc. wants to do activities for MF.
- iv. Massimo Maiuri to work with Councilor Sheri Lowrie on activity layout (i.e. Jenga blocks) and map of MF event.
- v. Councilor Sheri Lowrie suggested coordinating with MYAC to organize an Amazing Race type competition for 12-16 y/o; pairs of 2 register online and match with another older pair to form groups of 4. The second variation is family-oriented but requires a vehicle.
- vi. Councilor Sheri Lowrie suggested having a movie night in the pavilion; the committee agreed it is too cold to do it outside.
- vii. Councilor Sheri Lowrie suggested a dinner and entertainment event (theme: murder mystery). The committee deemed the event unsuitable for this year; maybe reconsider for next year?

## F. NEXT MEETING DATES

- June 25, 5:30 pm
- July 23, 5:30 pm
- September 24, 5:30 pm
- October 22, 5:30 pm
- November 26, 5:30 pm

## G. ADJOURNMENT

THAT the meeting be adjourned at 6:13 PM

**Moved by** Councilor Sheri Lowrie  
**Seconded by** Leslie Pittendreigh

**CARRIED**



# COMMITTEE MINUTES

## COMMUNITIES IN BLOOM COMMITTEE

June 11, 2024, 6:00 p.m.

Kingsville Arena – Room C

1741 Jasperson Drive, Kingsville

### PRESENT:

Carol Dunn, Chair  
Alan Batke  
Jessica Towle  
Janet Willoughby  
Deputy Mayor, Kimberley DeYong  
Karin Sonnenberg, Recording Secretary  
Staff – Karen Loney  
Staff – Massimo Maiuri

### A. CALL TO ORDER

Chair, C. Dunn called the meeting to order at 6:06 p.m.

### B. DISCLOSURE OF PECUNIARY INTEREST

The Chair reminded the Committee of their duty to disclose any pecuniary interests as they arise.

### C. ORDER OF BUSINESS

- None

### D. MINUTES OF THE PREVIOUS MEETING

1. Communities in Bloom Committee Meeting Minutes of May 7, 2024, were approved.

**Moved by K. DeYong**

**Seconded by J. Willoughby**

**THAT the minutes of the Communities in Bloom Committee dated May 7, 2024, BE APPROVED.**

**CARRIED**



# COMMITTEE MINUTES

## STAFF REPORTS

1. K. Loney provided a budget update. Monies were allocated for tree planting (A. Batke) and signage (Cemetery Garden).
2. Future discussion regarding finding a photographer who could provide quality, printable photographs of native plants to be used on signage and print media
3. K. Loney contacted Tecumseh Town Council regarding their launch of a storybook trail. They provided their minutes for additional information.

## E. INFORMATION ITEMS

1. Cemetery Pollinator Garden – Thanks to the volunteers, the planting is complete.
2. Get in Touch with Nature Event, May 26 – Attendance was down (90 patrons). The reasons given were the event timing, parking availability, and 10 a.m. – 2 p.m. time too short. K. Loney will summarize vendor feedback. Discussed rebranding the event to better align with target audience and CIB mandate. Members voted to book May 3, 2025, 10 a.m. – 4 p.m. for next year's event. C. Dunn has lined up three potential speakers. Members are asked to bring new ideas to September's meeting, such as new event names, vendors, speakers and possible fundraising ideas.
3. Pollinator Week June 17-23 – A list of activities for the week was provided.
4. A zoom meeting will take place June 19 at 12 p.m. with CIB Judge to discuss next year's judging. [Link to community profile book](#). The following members will be the lead to contact for information; K. DeYong – locations to take judges, J. Towle – additions to profile book.
5. The next cleanup date is July 23 at 6 p.m. at Mettawa's trail.
6. Members voted to cancel future dances and find other means of fundraising.
7. Members were asked to bring ideas for future projects to the September 3, 2024, meeting.



# COMMITTEE MINUTES

## F. ADJOURNMENT

**Moved by K. DeYong  
Seconded by J. Willoughby**

**THAT the meeting adjourn at 7:21 p.m.**

**CARRIED**

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**CHAIR, Carol Dunn**

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**RECORDING SECRETARY, Karin Sonnenberg**



## **The Corporation of the Town of Kingsville**

### **Minutes of the Kingsville Municipal Heritage Advisory Committee**

Tuesday, August 13, 2024

6:00 p.m.

Kingsville Arena Complex - Room B  
1741 Jasperson Lane  
Kingsville, ON N9Y 2E4

Members Present:

Jeffrey Robinson, Chair  
Stacey Jones, Vice-Chair  
Sheri Lowrie, Councillor  
Carolyn Smith

Administration Present:

John Norton, CAO  
Vitra Chodha, Town Planner  
Yuxi Liu, Acting Office Support  
Luke Taylor, Heritage and Development Support  
Angela Toole, Acting Clerk

#### **A. Call to Order**

The Chair called the meeting to order at 6:00 p.m.

#### **B. Disclosures of Pecuniary Interest**

The Chair asked members if there were any disclosures of pecuniary interest.  
None were noted.

#### **C. Adoption of Minutes**

##### **MHC-26-2024**

Moved By: Stacey Jones, Vice-Chair  
Seconded By: Sheri Lowrie, Councillor

That the Minutes of the Kingsville Municipal Heritage Advisory Committee meeting dated July 2, 2024, **be adopted** as presented.

**Carried**

## D. Staff Reports

### D.1 Verbal Update - Next Steps on Shortlisted Properties

Luke Taylor, Heritage and Development Support, provided a verbal update respecting the next steps on the 15 shortlisted properties. Administration will present a draft report to the Committee Members at the next meeting of the Heritage Advisory Committee.

### D.2 Building Permit Pre-Consultation Application

Vitra Chodha, Town Planner, presented the application.

Brian Dame from Beechwood Homes was present to answer questions.

#### **MHC-27-2024**

Moved By: Stacey Jones, Vice-Chair

Seconded By: Sheri Lowrie, Councillor

That the Kingsville Municipal Heritage Advisory Committee has **no objections** to the Building Permit Application to construct a pool change house as an accessory structure on 101 Mill Street, a designated heritage property on the Town of Kingsville Heritage Register.

**Carried**

### D.3 BP-2024-184 - Building Permit Application

Vitra Chodha, Town Planner, presented the application.

Anne-Marie Lemire Bacon was present to answer questions.

#### **MHC-28-2024**

Moved By: Sheri Lowrie, Councillor

Seconded By: Stacey Jones, Vice-Chair

That the Kingsville Municipal Heritage Advisory Committee has **no objections** to the Building Permit Application BP-2024-184 to construct an accessory structure with an Additional Dwelling Unit (ADU) on 171 Main Street East, a designated heritage property on the Town of Kingsville Heritage Register (By-law 82-2012).

**Carried**

D.4 BP-2024-210 - Demolition Permit Application

Vitra Chodha, Town Planner, presented the application.

**MHC-29-2024**

Moved By: Stacey Jones, Vice-Chair

Seconded By: Carolyn Smith

That the Kingsville Municipal Heritage Advisory Committee has **no objections** to the Demolition Permit Application BP-2024-210 to demolish the barn at the rear of 174 County Road 34 East, a listed heritage property on the Town of Kingsville Heritage Register.

**Carried**

**E. Unfinished Business**

E.1 Block Party (July 20, 2024) - Verbal Update

The members discussed the heritage booth and setup at the Block Party on July 20, 2024. Vitra Chodha, Town Planner, will speak with the Manager of Recreation Programs and Special Events to request additional material support from the Town for the next heritage booth.

The members decided the next Block Party they will attend to set-up a heritage booth will be September 21, 2024.

**F. New Business**

John Norton, CAO, provided a verbal update on the status of 183 Main Street.

John Norton, CAO, provided a verbal update on the status of 12 Main Street East (The Grove Hotel).

**G. Next Meeting Date**

The next regularly scheduled meeting of the Kingsville Municipal Heritage Advisory Committee is September 3, 2024 at 6:00 p.m. at the Kingsville Arena Complex, Room B.

**H. Adjournment**

**MHC-30-2024**

Moved By: Carolyn Smith  
Seconded By: Stacey Jones, Vice-Chair  
That the meeting be **adjourned** at 6:40 p.m.

**Carried**

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Chair

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Recording Secretary



## **The Corporation of the Town of Kingsville**

### **Minutes of the Kingsville Municipal Heritage Advisory Committee**

Tuesday, September 3, 2024

6:00 p.m.

Kingsville Arena Complex - Room B  
1741 Jasperson Lane  
Kingsville, ON N9Y 2E4

Members Present:

Stacey Jones, Vice-Chair  
Sheri Lowrie, Councillor  
Carolyn Smith

Members Absent:

Jeffrey Robinson, Chair

Administration Present:

Richard Wyma, Director of Planning and Development  
Luke Taylor, Heritage and Development Support  
Angelina Pannunzio, Office Support  
Matthew Ducharme, Recording Secretary

#### **A. Call to Order**

The Vice-Chair called the meeting to order at 6:02 p.m.

#### **B. Disclosures of Pecuniary Interest**

The Vice-Chair asked members if there were any disclosures of pecuniary interest. None were noted.

#### **C. Adoption of Minutes**

##### **MHC-31-2024**

Moved By: Carolyn Smith  
Seconded By: Sheri Lowrie, Councillor

That the Minutes of the Kingsville Municipal Heritage Advisory Committee meeting dated August 13, 2024, **BE ADOPTED** as presented.

**Carried**

## **D. Staff Reports**

### **D.1 Verbal Update - Next Steps on Shortlisted Properties**

Richard Wyma, Director of Planning and Development, asked for clarity from the members on their recommendations regarding the shortlisted properties and which landowners were in support of designation of their property under the Ontario Heritage Act.

Administration noted the Draft Report to Council from the Kingsville Municipal Heritage Advisory Committee will be finalized at the next meeting of the Heritage Advisory Committee and the final report will be presented to Council at the October 7, 2024, Regular Council Meeting.

## **E. Information Items**

Richard Wyma, Director of Planning and Development, noted the Town will be providing a banner and promotional material to advertise the Town's Heritage at the Heritage Advisory Committee's booth at the upcoming block party.

## **F. Next Meeting Date**

The next regularly scheduled meeting of the Kingsville Municipal Heritage Advisory Committee is October 1, 2024, at 6:00 p.m. at the Kingsville Arena Complex, Room B.

## **G. Adjournment**

### **MHC-32-2024**

Moved By: Sheri Lowrie, Councillor  
Seconded By: Carolyn Smith

That the meeting be adjourned at 6:36 p.m.

**Carried**

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Vice-Chair

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Recording Secretary



# MINUTES

## COMMUNITIES IN BLOOM COMMITTEE

Tuesday, September 3, 2024 - 6:00 PM

Kingsville Arena – Room C - 1741 Jasperson Drive, Kingsville

### PRESENT:

- Carol Dunn, Chair
- Deputy Mayor DeYong
- Alan Batke
- Jessica Towle
- Janet Willoughby
- Karen Loney, Staff Liaison

### REGRETS:

- Karin Sonnenberg
- Sue Novotny

### A. CALL TO ORDER

C. Dunn called the meeting to order at 6:04 PM

### B. DISCLOSURE OF PECUNIARY INTEREST

The Chair reminded the Committee of their duty to disclose any pecuniary interest, direct or indirect, as it arises.

### C. ORDER OF BUSINESS

1. 2025 Workplan / Project Templates
  - A. Reviewed the following items for decision in October
    - I. Storybook Trail
    - II. Adopt a Trail via ERCA
    - III. Get In Touch with Nature Event
    - IV. Cross Promotion – Seedy Saturday, KCC Senior's Fair
    - V. Pollinator Week – Kingsville Block Party
    - VI. Other: Garden Contest, CIB Education Campaign
2. Cemetery Pollinator Garden Sign & Ribbon Cutting
  - a. Concerns expressed on placement of sign



# MINUTES

- b. To have the ribbon cutting when the judges come
- 3. Get in Touch with Nature name
  - a. Reviewed the name of "Kingsville Garden Show" and could add in subtext, market – speakers – children's activities
- 4. Fundraising
  - a. To sell native plants at the May event
- 5. Judging
  - a. Reviewed options and will continue discussion in October
- 6. Pumpkin Parade - November 1, 2024
  - a. Karen will request if there is an extra truck available to deliver pumpkins
  - b. Karen will send out calendar invites to work event

## **D. MINUTES OF THE PREVIOUS MEETINGS**

- 1. Communities in Bloom Committee Meeting Minutes – June 12, 2024

**Moved by J. Towle**

**Seconded by J. Willoughby**

**THAT the minutes of the Communities in Bloom Committee dated June 12, 2024, be approved.**

**CARRIED**

## **E. STAFF REPORTS**

- 1. K. Loney, Manager of Recreation Programs and Special Events
  - a. Meditation Trail - deferred
  - b. Shirts
    - i. To order T-shirts that have the Kingsville logo on the front small and the CIB logo on the sleeve

## **F. INFORMATION ITEMS**

- 1. Review of Pollinator Week

Concerns were expressed about the timing of the week. The group wants to support this as it aligns with Bee City. Recommend looking for an event and CIB integrating versus having a stand-alone event.

## **G. NEXT MEETING DATES**

- November 5, December 3



# MINUTES

## H. ADJOURNMENT

**Moved by J. Willoughby  
Seconded by Deputy Mayor DeYong**

**THAT the meeting be adjourned at 8:34 PM**

**CARRIED**



## Committee of The Whole

### Minutes

**Monday, September 16, 2024**

**6:00 P.M.**

**Unico Community Centre  
37 Beech Street  
Kingsville, ON N9Y 1A9**

Present	Mayor Dennis Rogers Deputy Mayor Kimberly DeYong Councillor Tony Gaffan Councillor Debby Jarvis-Chausse Councillor Sheri Lowrie Councillor Thomas Neufeld Councillor Larry Patterson
Staff Present	CAO, John Norton Acting Clerk, Angela Toole Deputy Clerk, Natalie Sharp

#### **A. Call to Order**

Mayor Rogers called the Committee of the Whole Meeting to order at 6:00 p.m.

#### **B. Disclosure of Pecuniary Interest**

The Chair reminded the Committee that any declaration is to be made prior to each item being discussed and to identify the nature of the conflict, if any, as the matter comes forward.

None disclosed.

#### **C. Delegations**

None.

#### **D. Items**

##### **1. Mayor's Vision for School Properties and Facilities**

Mayor Rogers appeared before the Committee to present his vision for school properties and facilities.

Moved by Councillor Neufeld  
Seconded by Councillor Gaffan

That the Mayor's Vision for School Properties and Facilities **BE REFERRED** to Administration for review, comment and recommendations to Council.

**CARRIED**

## 2. 2025 Budget Assumptions Discussion

Margaret Schroeder, Manager of Financial Services/Deputy Treasurer, provided a high-level overview of assumed figures for the 2025 budget.

Moved by Councillor Neufeld  
Seconded by Councillor Lowrie

That Administration's 2025 Budget Assumptions **BE REFERRED** back to Administration.

**CARRIED**

## E. Committee Questions for Staff

Councillor Neufeld inquired about the possibility of an overhead PXO at the Greenway on Main Street East by Otis development and Pelee Island Winery. Richard Wyma, Director of Planning and Development, responded that adding another crossing may have an impact on traffic. He suggested that there could be an option to use the Greenway to divert pedestrians safely to an existing crossing.

Councillor Neufeld inquired if Administration will provide an update on the Cottam Revitalization Plan. Shaun Martinho, Director of Operations, responded that the short and long term goals identified in the Plan have been met and that this Plan may be revisited after the new Cottam Community Centre has been built.

Councillor Gaffan inquired how often the transient slips at Kingsville Marina used. Shaun Martinho, Director of Operations responded that the transient slips are not used very often due to their size and location.

Councillor Gaffan requested that Administration prepare a report outlining the cost of removing the marina slips located on the west side of the channel.

## F. Committee Member Updates

None.

## G. Unfinished Business

None.

## H. Closed Session

Moved by Councillor Jarvis-Chausse  
Seconded by Mayor Rogers

That Council enter into Closed Session at 7:37 p.m. pursuant to Section 239 of the Municipal Act, 2001, to discuss the following item:

**Item I - Personnel Matters** to be heard under Section 239(2)(b) personal matters about an identifiable individual, including municipal employees and under Section 239(2)(d) labour relations or employee negotiations.

**CARRIED**

**I. Adjournment**

Moved by Mayor Rogers  
Seconded by Councillor Neufeld

That the Committee of the Whole rise from Closed Session and adjourn its Meeting at 8:23 p.m.

**CARRIED**

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Deputy Mayor, Kimberly DeYong

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Acting Clerk, Angela Toole



## Regular Meeting of Council Minutes

**Monday, September 23, 2024**

**6:00 PM**

**Unico Community Centre  
37 Beech Street  
Kingsville, ON N9Y 1A9**

Present	Mayor Dennis Rogers Deputy Mayor Kimberly DeYong Councillor Tony Gaffan Councillor Debby Jarvis-Chausse Councillor Sheri Lowrie Councillor Thomas Neufeld Councillor Larry Patterson
Staff Present	CAO, John Norton Acting Clerk, Angela Toole Deputy Clerk, Natalie Sharp

### **A. Call to Order**

Mayor Rogers called the Regular Meeting to order at 6:01 p.m.

### **B. Land Acknowledgement**

Mayor Rogers acknowledged the Three Fires Confederacy (Ojibwe, Potawatomi and Odawa) and the Traditional ancestral, unceded territory of Caldwell First Nation; the original people of Point Pelee, Pelee Island and its surrounding waters. We recognize and respect the First Nations who are stewards of the land and waters of Turtle Island and who have embraced this stewardship since time immemorial. We would also like to acknowledge all the moccasins who have walked lands of Turtle Island.

### **C. Moment of Silent Reflection and National Anthem**

Mayor Rogers invited everyone to stand for a moment of silent reflection and the National Anthem.

### **D. Mayor's Welcome and Remarks**

Mayor Rogers acknowledged that the artwork displayed in Council Chambers was designed by Métis encaustic sculptor Tracey-Mae Chambers, known for her "Hope and Healing" installations. The installations are created using red string, which symbolizes blood, passion, and anger. According to the artist, the colour also reflects the slur against Indigenous peoples and represents danger, power, courage, and love. He explained that the installations are detailed and temporary, and after being set up and photographed, they are disassembled, and the same string is reused for the next installation.

Mayor Rogers thanked the artist for creating the piece, which serves as a reminder of the upcoming National Day for Truth and Reconciliation on September 30. He recognized the ongoing impacts of residential schools on victims, survivors, and their families, along with the need for continued remembrance, healing, and reconciliation.

Mayor Rogers reminded the public that there will be an Orange Shirt Walk at the Kingsville Recreation Complex, Baseball Diamond 5, beginning at noon, on Monday. Participants are encouraged to wear orange, and further details are available on the town's website at [kingsville.ca/ndtr](http://kingsville.ca/ndtr).

**E. Amendments to the Agenda**

None.

**F. Disclosure of Pecuniary Interest**

Mayor Rogers reminded Council that any declaration is to be made prior to each item being discussed and to identify the nature of the conflict, if any, as the agenda items come forward.

None disclosed.

**G. Report out of Closed Session**

Pursuant to Section 239(2) on the Municipal Act, 2001, Council entered into Closed Session at 5:00 p.m. and 7:06 p.m. on September 9, 2024, to discuss the following items:

**Item I - Update on Matter Before an Administrative Tribunal** heard under Section 239(2)(e) being litigation or potential litigation, including matters before administrative tribunals, affecting the municipality. Administration presented a report (Ontario Land Tribunal Appeal – 183 Main Street) in Open Session on the same date and Council gave direction authorizing a settlement of the appeal before the Ontario Land Tribunal.

**Item II - Development Update** heard under Section 239(2)(b) being personal matters about an identifiable individual; and; 239(2)(e) being litigation or potential litigation. There is nothing further to report.

Further, pursuant to Section 239(2) of the Municipal Act, 2001, the Committee of the Whole entered into Closed Session at 7:37 p.m. on September 16, 2024, to discuss the following item:

**Item I - Personnel Matters** heard under Section 239(2)(b) personal matters about an identifiable individual, including municipal employees; and, Section 239(2)(d) labour relations or employee negotiations. There is nothing further to report.

**H. Delegations**

None.

**I. Presentations**

None.

**J. Matters Subject to Notice**

1. Kunch Drain

Robert Ure, owner of parcel # 390-03502, appeared before Council in support of Administration's report.

**174-09232024**

Moved By: Councillor Gaffan  
Seconded By: Councillor Neufeld

That the Engineer's Report prepared by Rood Engineering dated March 20, 2024, for the new access for parcel 390-03502 under Section 78 of the Drainage Act, **BE ADOPTED**.

For (6): Mayor Rogers, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

**Carried (6 to 0)**

2. 7th Concession Drain

Dorothy Merritt, landowner, appeared before Council to inquire whether the requisite payment from the Schedule of Assessment will be added to the tax bill and what payment options are available.

Lu-Ann Marentette, Drainage Superintendent, responded if the amount owed is under \$250, it will be added to the tax bill for a one-time payment. If the amount is over \$250, an invoice will be provided with options to pay within a year or over multiple years.

**175-09232024**

Moved By: Councillor Patterson  
Seconded By: Councillor Jarvis-Chausse

That the Engineer's Report prepared by N.J. Peralta Engineering dated July 19, 2024, on the 7<sup>th</sup> Concession Drain for an emergency access replacement for Roll # 460-00701 and 460-00702, pursuant to section 78 of the Drainage Act **BE ADOPTED**.

For (6): Mayor Rogers, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

**Carried (6 to 0)**

3. Consent (B-2024-16) and Zoning By-law Amendment (ZBA-2024-8) for 3442 County Road 23

**176-09232024**

Moved By: Councillor Neufeld  
Seconded By: Councillor Patterson

That consent application B-2024-16, to sever an existing dwelling, deemed surplus to the needs of the applicants' farming operation with an area of 1.88 ac (0.76 ha) shown as Part 2 & 4 on the applicants' sketch and to create a permanent easement in favour of the severed farm lot shown as Part 3 on the applicants' sketch, known as 3442 County Road 23, in the Town of Kingsville, **BE APPROVED**, subject to the following conditions:

1. That the necessary deed(s), transfer or changes be submitted electronically, signed and fully executed, including a copy of the reference plan, prior to certification.

2. That the Owner provide confirmation to the satisfaction of the Town that the new septic system on the property meets Ontario Building Code requirements and setbacks in relation to the revised lot line locations.
3. That the Owner obtain a permit from the County of Essex for a new driveway access for the retained farm lot on County Road 23 prior to consent being endorsed on the deeds
4. That, prior to consent being endorsed on the deeds, the property owners are to execute an agreement for drainage apportionment due to lands severance approved by the Municipality for each parcel being severed and provide us with a lot grading plan. Drainage Apportionment Agreement Request, 12R plan and lot grading plan shall be submitted to the Municipality a minimum of one month prior to the stamping of the deeds.
5. The conditions imposed above shall be fulfilled by September 23, 2026, or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

That Zoning by-law application ZBA-2024-8, to amend the Comprehensive Zoning By-law 1-2014 for the Town of Kingsville, to amend the zoning on the retained farm parcel municipally known as VL County Road 23 from 'General Agricultural (A1)' to 'Agricultural - Restricted (A2)' and the severed residential parcel known as 3442 County Road 23 from 'General Agricultural (A1)' to 'Rural Residential (RR)' **BE APPROVED**

That the corresponding Zoning By-law Amendment (By-law 71-2024) **BE ADOPTED**, during the By-law section of this Council agenda.

For (6): Mayor Rogers, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

**Carried (6 to 0)**

## **K. Reports - Planning and Development Services**

1. Cottam Community Centre – New Build

**177-09232024**

Moved By: Councillor Patterson  
Seconded By: Councillor Gaffan

That the Cottam Community Centre Tender **BE AWARDED** to TCI Titan Contracting Inc. in the amount of \$2,731,089 (excluding HST) and the Mayor and Clerk **BE AUTHORIZED** to execute the requisite agreement.

For (6): Mayor Rogers, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

**Carried (6 to 0)**

## **L. Reports - Finance and Corporate Services**

1. Kingsville 2024 Parades Road Closures

Council requested that Administration prepare a report in the new year providing an update on the Migration Festival Parade and the Fantasy of Lights Santa Claus Parade.

**178-09232024**

Moved By: Councillor Lowrie  
Seconded By: Councillor Patterson

That Council **APPROVES** the following streets be closed to vehicle traffic on Saturday, October 19, 2024, for the Migration Festival Parade;

1. Staging area at 8 am: Wigle Avenue from Main Street to Lakeview Avenue
2. Parade route at 10:00 am heading north on Wigle Avenue, turning west onto Main Street East, turning south onto Division Road South.
3. The parade will end at Mill St, and parade floats will disperse southwards.
4. Destaging area for 30 minutes after the parade end: Division St. from Mill St. to Stewart St. and Stewart St. from Division St. to Queen St.

And that Council **APPROVES** the following streets be closed to vehicle traffic on Saturday, November 16, 2024, for the Fantasy of Lights Parade;

1. Staging area at 2:00 pm: Wigle Avenue from Main Street to Lakeview Avenue
2. Parade route at 5:00 pm: heading north on Wigle Avenue, turning west onto Main Street East, turning south onto Division Road South, turning east onto Park St.
3. The parade will end at Park St.
4. Destaging area for 30 minutes after the parade ends: Park St. from Division Rd. to 140 Park St.

For (6): Mayor Rogers, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

**Carried (6 to 0)**

2. Property Standards By-law Update

**179-09232024**

Moved By: Councillor Patterson  
Seconded By: Councillor Neufeld

That subsection 5.11 as contained in Property Standards By-law 68-2023 be carried over as currently written and that the remaining proposed amendments to the Property Standards By-law **BE APPROVED**;

And that the new Property Standards By-law 72-2024, being a By-law to establish procedures governing the standards for the maintenance and occupancy of property within the Town, **BE ADOPTED** during the By-law stage of the Council Agenda.

For (6): Mayor Rogers, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

**Carried (6 to 0)**

**M. Reports - Fire Rescue Services**

None.

**N. Reports - Public Operations**

1. Veterans Sculpture and Garden - Lakeside Park

**180-09232024**

Moved By: Councillor Lowrie  
Seconded By: Councillor Jarvis-Chausse

That Council **DIRECT** Administration to remove the Veteran Memorial Sculpture, stone curb and associated Garden at Lakeside Park;

And that Administration **BE DIRECTED** to consult with the Kingsville Military Museum and the Royal Canadian Legion Branch 188 on the planting of a tree and the installation of a commemorative plaque at a location to be determined, at Lakeside Park.

For (6): Mayor Rogers, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

**Carried (6 to 0)**

**O. Reports - Building Services**

None.

**P. Reports - CAO's Office**

1. Amendments to the Procedure By-law

**181-09232024**

Moved By: Councillor Neufeld  
Seconded By: Councillor Gaffan

That the proposed amendments to the Procedure Bylaw include a time limit of up to 10 minutes related to section 6.7 b),(items listed on the agenda).

For (4): Mayor Rogers, Councillor Gaffan, Councillor Lowrie, and Councillor Neufeld

Against (2): Councillor Jarvis-Chausse, and Councillor Patterson

**Carried (4 to 2)**

**182-09232024**

Moved By: Councillor Jarvis-Chausse  
Seconded By: Councillor Neufeld

That Council **APPROVE** the proposed amendments to the Procedure By-law, being a By-law to govern the calling, place and proceedings of Council and Committees;

And that, the new Procedure By-law 68-2024 **BE ADOPTED** during the By-law stage of the Agenda.

For (6): Mayor Rogers, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

**Carried (6 to 0)**

**Q. Consent Agenda**

**183-09232024**

Moved By: Councillor Patterson  
Seconded By: Councillor Gaffan

That Items 1 and 2 on the Consent Agenda, **BE RECEIVED.**

**Carried**

1. Reports for Information

a. Local Improvement - Wigle Grove Road Sanitary Sewer

2. Minutes

a. Regular Meeting Minutes - September 9, 2024

b. Migration Festival Minutes - June 25, 2024

c. BIA Minutes - August 13, 2024

**R. Correspondence**

1. E.L.K. Energy Inc. Board Update Letter dated September 13, 2024

**S. Notices of Motion**

None.

**T. Unfinished Business and Announcements**

None.

**U. By-laws**

**184-09232024**

Moved By: Councillor Gaffan  
Seconded By: Councillor Jarvis-Chausse

That the following By-laws receive two readings and be provisionally adopted:

By-law 65-2024 - being a By-law to provide for a new bridge over the Kunch Drain at a total estimated cost of \$37,000 in the Town of Kingsville, in the County of Essex

By-law 66-2024 – being a By-law to provide for the emergency access replacement over the 7th Concession Drain for Parcel Nos. 460-00701 and 460-00702 at a total estimated cost of \$264,154 in the Town of Kingsville, in the County of Essex

**Carried**

**185-09232024**

Moved By: Councillor Patterson  
Seconded By: Councillor Neufeld

That the following By-laws receive three readings and finally pass:

By-law 68-2024 - being a By-law to Govern the Calling, Place and Proceedings of Council and Committees

By-law 71-2024 - being a By-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville

By-law 72-2024 - being a By-law to establish procedures governing the standards for the maintenance and occupancy of property within the municipality

By-law 73-2024 - being a By-law to confirm the proceedings of the Council of the Corporation of the Town of Kingsville at its September 23, 2024 Regular Meeting of Council

**Carried**

**V. Closed Session**

**186-09232024**

Moved By: Councillor Patterson  
Seconded By: Councillor Lowrie

That Council enter into Closed Session at 7:33 pursuant to section 239(2) of the Municipal Act, 2001, to discuss the following items:

**Item I - Road Naming** to be heard under Section 239(2)(b) being personal matters about an identifiable individual, including municipal employees, and

**Item II - Development Plan** to be heard under Section 239(2)(k) being a position, plan, procedure, criteria, or instruction to be applied to negotiations;

**Carried**

**W. Adjournment**

**186-09232024**

Moved By: Councillor Jarvis-Chausse  
Seconded By: Councillor Gaffan

That Council rise from Closed Session and adjourn its Regular Meeting at 8:20 p.m.

**Carried**

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Mayor, Dennis Rogers

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Acting Clerk, Angela Toole

**Municipality of Tweed Council Meeting  
Council Meeting**



**Resolution No.** 229

**Title:** Councillor P. Valiquette  
**Date:** Tuesday, April 23, 2024

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**Moved by** P. Valiquette  
**Seconded by** J. Palmateer

WHEREAS it is apparent that the Ontario Government has overlooked the needs of small rural Ontario; AND WHEREAS Ontario's small rural municipalities face insurmountable challenges to fund both upfront investments and ongoing maintenance of their capital assets including roads, bridges, water/wastewater and municipally owned buildings including recreational facilities, libraries and other tangible capital assets;

AND WHEREAS small rural Ontario's operating needs consume the majority of property tax revenue sources;

AND WHEREAS small rural municipalities (of 10,000 people or less) are facing monumental infrastructure deficits that cannot be adequately addressed through property tax revenue alone;

AND WHEREAS in 2015 the provincial government moved to standardized billing for all non-contract O.P.P. (5.1) locations;

AND WHEREAS the Ontario Government has committed \$9.1 billion to Toronto alone to assist with operating deficits and the repatriation of the Don Valley and Gardner Expressway; and \$534 million to Ottawa for the repatriation of Hwy 174;

AND WHEREAS the annual cost of the Ontario Provincial Police, Municipal Policing Bureau for small rural non-contract (5.1) municipalities is approximately \$428 million;

AND WHEREAS this annual cost is significantly less than the repatriation costs of the Gardiner Express Way, the Don Valley Parkway and Highway 174 (Ottawa Region) but provides a greater impact to the residents of the Province overall;

AND WHEREAS this will afford relief to small rural municipalities for both infrastructure and operating needs while having a minimal impact on the provincial budget;

NOW THEREFORE BE IT RESOLVED THAT The Municipality of Tweed call on the Ontario Government to immediately implement sustainable funding for small rural municipalities by reabsorbing the cost of the Ontario Provincial Police Force back into the provincial budget with no cost recovery to municipalities;

AND FURTHER, that Council direct staff to circulate this resolution to Premier Doug Ford ([premier@ontario.ca](mailto:premier@ontario.ca)), Minister of Solicitor General, Minister of Finance, and to the Association of Municipalities of Ontario ([amo@amo.on.ca](mailto:amo@amo.on.ca)) and all Municipalities in Ontario.

**Carried**

**THE CORPORATION OF THE TOWN OF KINGSVILLE**  
**BY-LAW 74 - 2024**

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**Being a By-law to provide for the enclosure over the Irwin Drain for  
Parcel No. 620-03300 at a total estimated cost of \$92,000  
in the Town of Kingsville, in the County of Essex**

**WHEREAS** the Council of the Town of Kingsville, in the County of Essex, has procured reports under section 78 of the *Drainage Act*;

**AND WHEREAS** the report has been authored by Gerard Rood, P. Eng., Rood Engineering Inc. and the attached report form part of this by-law;

**AND WHEREAS** \$92,000 is the amount to be contributed by the owner by way of Hydro One for the drainage works;

**AND WHEREAS** Council is of the opinion that the report of the area is desirable;

**THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE, PURSUANT TO THE DRAINAGE ACT ENACTS AS FOLLOWS:**

**1. AUTHORIZATION**

The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report.

**2. SCHEDULE OF ASSESSMENTS OF LAND AND ROADS**

One hundred percent (100%) of the cost for this report is to be assessed to the owner by way of Hydro One.

**3. CITATION**

This by-law comes into force on the passing thereof and may be cited as the "Irwin Drain – Hydro One Enclosure" by-law.

**READ A FIRST AND SECOND TIME AND PROVISIONALLY ADOPTED  
THIS 7<sup>th</sup> DAY OF OCTOBER, 2024.**

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**Mayor, Dennis Rogers**

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**Acting Clerk, Angela Toole**

**READ A THIRD TIME AND FINALLY PASSED THIS 9<sup>th</sup> DAY OF DECEMBER, 2024.**

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**Mayor, Dennis Rogers**

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**Acting Clerk, Angela Toole**

# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW 75 - 2024

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**Being a By-law to provide for the enclosure over the West Townline  
Drain (Upper) for Parcel No. 580-01006  
at a total estimated cost of \$32,000 in the Town of Kingsville, in the  
County of Essex**

**WHEREAS** the Council of the Town of Kingsville, in the County of Essex, has procured reports under section 78 of the *Drainage Act*;

**AND WHEREAS** the report has been authored by Gerard Rood, P. Eng., Rood Engineering Inc. and the attached report forms part of this by-law;

**AND WHEREAS** \$32,000 is the amount to be contributed by Telus Communications Inc. for the drainage works;

**AND WHEREAS** Council is of the opinion that the report of the area is desirable;

**THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE, PURSUANT TO THE DRAINAGE ACT ENACTS AS FOLLOWS:**

**1. AUTHORIZATION**

The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report.

**2. SCHEDULE OF ASSESSMENTS OF LAND AND ROADS**

One hundred percent (100%) of the cost for this report is to be assessed to Telus Communications Inc.

**3. CITATION**

This by-law comes into force on the passing thereof and may be cited as the "West Townline Drain (Upper) – Enclosure for Telus" by-law.

**READ A FIRST AND SECOND TIME AND PROVISIONALLY ADOPTED  
THIS 7<sup>th</sup> DAY OF OCTOBER, 2024.**

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**Mayor, Dennis Rogers**

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**Acting Clerk, Angela Toole**

**READ A THIRD TIME AND FINALLY PASSED THIS 9<sup>th</sup> DAY OF DECEMBER, 2024.**

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**Mayor, Dennis Rogers**

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**Acting Clerk, Angela Toole**

**THE CORPORATION OF THE TOWN OF KINGSVILLE**  
**BY-LAW 76 - 2024**

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**Being a by-law to appoint a Drainage Superintendent, Drainage Inspector, and a Weed Inspector for the Town of Kingsville**

**WHEREAS** it is necessary for the Council to pass by-laws for the appointment of Municipal Officers and Agents, as referenced in the *Municipal Act*, 2001;

**AND WHEREAS** section 93 of the *Drainage Act*, 1990, provides that a municipal council may appoint, by by-law, a drainage superintendent;

**AND WHEREAS** Section 4 of the *Tile Drainage Act*, 1990 requires a local municipality borrowing money under the Tile Drainage Act to appoint a Drainage Inspector;

**AND WHEREAS** section 8(1) of the *Weed Control Act*, 1990, provides that a municipal council may appoint, by by-law, a municipal weed inspector;

**AND WHEREAS** the Council of the Corporation of the Town of Kingsville deems it appropriate to appoint a Drainage Superintendent, a Drainage Inspector, and Weed Inspector,

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:**

1. That Lu-Ann Marentette be and is hereby appointed as a Drainage Superintendent for The Corporation of the Town of Kingsville and shall carry out the duties imposed upon her pursuant to the *Drainage Act*, 1990.
2. That Lu-Ann Marentette be and is hereby appointed as a Drainage Inspector for The Corporation of the Town of Kingsville and shall carry out the duties imposed upon her pursuant to the *Tile Drainage Act*, 1990.
3. That Lu-Ann Marentette be and is hereby appointed as a Municipal Weed Inspector for The Corporation of the Town of Kingsville and shall carry out the duties imposed upon her pursuant to the *Weed Control Act*, R.S.O. 1990, c. W.5
4. That By-law 51-2023 is hereby repealed.
5. That this by-law shall come into force and take effect on the date it is finally passed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 7TH DAY OF October, 2023.**

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**Mayor, Dennis Rogers**

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**Acting Clerk, Angela Toole**

# RATING BY-LAW

*Tile Drainage Act, R.S.O. 1990, c. T.8, s.8*

THE CORPORATION OF THE  
Town of Kingsville  
BY-LAW NUMBER 77-2024

A by-law imposing special annual drainage rates upon land in respect of which money is borrowed under the *Tile Drainage Act*.

WHEREAS owners of land in the municipality have applied to the council under the *Tile Drainage Act* for loans for the purpose of constructing subsurface drainage works on such land;

AND WHEREAS the council has, upon their application, lent the owners the total sum of \$31,600.00 to be repaid with interest by means of rates hereinafter imposed;

The council, pursuant to the *Tile Drainage Act*, enacts as follows:

1. That annual rates as set out in the Schedule 'A' attached hereto are hereby imposed upon such land as described for a period of ten years, such rates shall have priority lien status, and shall be levied and collected in the same manner as taxes.

First Reading 2024-Oct-07  
yyyy/mm/dd

Second Reading 2024-Oct-07  
yyyy/mm/dd

Provisionally adopted this 07 day of October, 2024

Dennis Rogers \_\_\_\_\_  
Name of Head of Council \_\_\_\_\_ Signature \_\_\_\_\_

Angela Toole \_\_\_\_\_  
Name of Clerk \_\_\_\_\_ Signature \_\_\_\_\_

Third Reading 2024-Oct-07

Enacted this 07 day of October, 2024

Dennis Rogers \_\_\_\_\_  
Name of Head of Council \_\_\_\_\_ Signature \_\_\_\_\_  
Corporate Seal \_\_\_\_\_

Angela Toole \_\_\_\_\_  
Name of Clerk \_\_\_\_\_ Signature \_\_\_\_\_

I, Angela Toole, clerk of the Corporation of the Town  
of Kingsville certify that the above by-law was  
duly passed by the council of the Corporation and is a true copy thereof.

Corporate Seal

Angela Toole \_\_\_\_\_  
Name of Clerk \_\_\_\_\_ Signature \_\_\_\_\_

The Corporation of the \_\_\_\_\_ Town \_\_\_\_\_ of \_\_\_\_\_ Kingsville  
 Schedule 'A' to By-law Number \_\_\_\_\_ 77-2024 \_\_\_\_\_

Property Owner Information*			Description of Land Parcel to Which the Repayment Charge Will be Levied				Proposed date of loan (YYYY-MM-DD)	Sum to be loaned \$	Annual rate to be imposed \$			
David Roy Golden	0	0	Lot: KRP 12R25545 PT.1 Con: 2 WD				2024-Nov-01	\$ 31,600.00	\$ 4,293.43			
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**THE CORPORATION OF THE TOWN OF KINGSVILLE**  
**BY-LAW 78 - 2024**

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**Being a By-law to confirm the proceedings of the  
Council of the Corporation of the Town of Kingsville at its  
October 7, 2024 Regular Meeting of Council**

**WHEREAS** sections 8 and 9 of the *Municipal Act, 2001* S.O. 2001 c. 25, as amended, (the “Act”) provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority conferred upon a municipality to govern its affairs as it considers appropriate.

**AND WHEREAS** section 5(3) of the Act provides that such power shall be exercised by by-law, unless the municipality is specifically authorized to do so otherwise.

**AND WHEREAS** it is deemed expedient that the proceedings of the Council of The Corporation of the Town of Kingsville (the “Town”) be confirmed and adopted by by-law.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE  
TOWN OF KINGSVILLE ENACTS AS FOLLOWS:**

1. The actions of the Council at its October 7, 2024, Regular Meeting in respect of each report, motion, resolution or other action taken or direction given by the Council at its meeting, is hereby adopted, ratified and confirmed, as if each resolution or other action was adopted, ratified and confirmed by its separate by-law.
2. The Chief Administrative Officer and/or the appropriate officers of the Town are hereby authorized and directed to do all things necessary to give effect to the actions set out in paragraph 1, or obtain approvals, where required, and, except where otherwise provided, the Mayor and the Clerk are hereby directed to execute all documents necessary and to affix the corporate seal to all such documents.
3. This By-law comes into force and takes effect on the day of the final passing thereof.

**READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED THIS  
7TH DAY OF OCTOBER, 2024.**

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**Mayor, Dennis Rogers**

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**Acting Clerk, Angela Toole**