



**SPECIAL** MEETING OF COUNCIL – TUESDAY, JULY 17, 2018 – 6:00 PM  
RÉUNION **SPÉCIALE** DU CONSEIL – MARDI, LE 17 JUILLET 2018 – 18H00

**COUNCIL CHAMBERS**

( *not televised / not available on internet* )

( *non diffusé à la télévision et non disponible sur l'internet* )

**AGENDA / ORDRE DU JOUR**

- A) Declaration of Pecuniary Interest / Déclaration d'intérêts pécuniaires
- B) Agenda / Ordre du jour  
B-1 Resolution to adopt the Agenda
- C) Sewer and Water / Les égouts et l'eau  
C-1 Water / Sewer Connection on Railway Street (*documents to follow*)
- D) Adjournment / Ajournement  
D-1 Resolution to adopt By-law **2018/66** confirming proceedings of meeting  
D-2 Resolution to adjournment the meeting

# MEMORANDUM

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**TO:** Mayor and Council

**FROM:** Alisa Craddock CPA, CMA Director of Corporate Services/Treasurer

**DATE:** July 16, 2018

**RE: RAILWAY STREET DEVELOPMENT**

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In an email dated July 10, 2018, Mr. Lavoie asks the Municipality to assume the cost of infrastructure (sewer mains) necessary to service a lot that he has recently purchased and severed into three building lots.

As clarification for a couple of points in Mr. Lavoie's email and recent communication with municipal staff, though there are 3 houses currently across Railway Street from his proposed development site, it is not true that municipal water and sewer lines run through the backyards of these properties. Each of the corner properties connects to mains on either Nipissing or Main Street. The centre lot, the result of splitting a single corner lot, does have a service line that connects through the backyard. The owner has a registered easement on this connection and this is neither problematic to the Municipality nor unusual. It is the landowner's service line not the Municipality's sewer main. The Municipality is not relocating any services as a result of the work on Railway Street.

Though rezoned to R3, which allows up to an eight-plex, these lots are not of a sufficient size to develop this scale of multi-residential housing. Mr. Lavoie has spoke of potential for single-family dwellings or semidetached housing. There is no immediate plan to construct any dwellings on these lots and it is staff's understanding that the lots will be sold, once serviced.

Mr. Lavoie suggests that he was advised by municipal staff that the lot was serviced. Mr. Lavoie did reach out to municipal staff, prior to purchasing the lot, to inquire about zoning and severance issues. Though the Municipal Planner does acknowledge that those discussions were held with an assumption of services, she did not advise him the lot was serviced. Additionally, there is a process for the Water & Sewer department to provide information to landowners and developers regarding confirmation and condition of services. This developer went through that process on another recent development. A timeline of the communication between the developer and municipal staff is included.

It is customary practice to require developers to fund the required infrastructure to lots under development. This is not a closing of a loop, filling in of infrastructure, nor does it provide benefit to the overall sanitary system. The proposed sewer main is an extension of existing main to a dead end

Joie de vivre



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

manhole; it is very similar to multiple extensions that have been undertaken in recent years. This practice is consistent with legislation that has been in place in Ontario since the early 2000's. Water and wastewater systems are full cost recovery systems. In order to keep year over year rate increases reasonable to the entire system, while adequately funding lifecycle costs of existing infrastructure, developers are typically required to fund new infrastructure.

As the attached timeline indicates, several options have been evaluated for servicing the newly created lots on Railway Street. The final design must be submitted by the developer, to the Ministry, for environmental approval. The Municipality has undertaken work along Railway Street, this has allowed the developer to piggyback on the Municipality's project, saving a portion of restoration costs. It is my understanding that there are time considerations that are becoming critical in order to meet a timeline to have Railway paved this season.

The developer states he has been given a quote of \$40,000 for this infrastructure work. He is requesting that the Municipality assume responsibility for all of the infrastructure work.

## **COMMUNICATION TIMELINE BETWEEN MR. LAVOIE and MUNICIPAL PLANNER**

- On October 16, 2017, Mr. Lavoie contacted me by email to request a meeting to discuss zoning matters on a property he was considering purchasing. I recall discussing the fact that the property was zoned commercial; we looked at the Official Plan to ensure that an OP amendment wouldn't be required and we discussed the number of lots which would be possible given the frontage and lot area. He requested my opinion on whether or not the rezoning would be opposed and I told him that, given the information, I had no reason to believe that there would be any impediments to the rezoning or severances.
- My next contact with Mr. Lavoie was on Tuesday March 20<sup>th</sup>, 2018 at which time Mr. Lavoie advised he had purchased the property and was proposing to submit an application for severance and re-zoning. I advised that we needed to meet with Peter and Shawn to discuss servicing options and I requested a meeting with Peter and Shawn on March 21<sup>st</sup>.
- On March 21<sup>st</sup> I became aware that there was no sewer main in front of the property and I immediately contacted Mr. Lavoie and his consultants.
- On April 10<sup>th</sup>, Peter, Shawn and I met with Mr. Lavoie's consultants to discuss servicing options. In the period intervening we had taken the liberty of getting locates of all of the infrastructure in order to provide options; Mr. Lavoie understood that he was responsible for installing the infrastructure and we discussed various options and advised that because we were already resurfacing Railway Street that he would not be responsible for any road restoration and we suggested he contact Dan Labelle since Labelle's had already been contracted to do the municipality's capital work on that road.
- On April 11, Mr. Lavoie confirmed that he had met with Dan Labelle on site to start the process of obtaining quotes.
- On April 16, Mr. Ming provided Mr. Lavoie with information required to obtain engineering services for the design of the sanitary main.
- On April 30, Peter Ming and I met with Mr. Lavoie, his engineer, Mr. Antoine Boucher, and Don Goulet from Goodridge Goulet Planning & Surveying to discuss options. Mr. Lavoie's consultants needed to obtain technical information (inverts, depth of services, etc. in order to determine the most cost effective option). One of the options was servicing the property from Nipissing Street; however Nipissing Street had been newly paved and was subject to the municipality's no-cut policy.
- Since early June, Mr. Lavoie, his agents (Goodridge/Goulet), Engineers (Antoine Boucher), contractors (Labelle Bros) and Municipal staff (Peter Ming/Shawn Remillard) have been in discussions concerning the various options for servicing. At one stage, bringing the services from Nipissing Street was considered and Mr. Lavoie was requesting that Council consider an exemption to the No-Cut policy. The request (attached) was placed on the June 19, 2018 agenda and was subsequently withdrawn.
- Concurrently with the above discussions, Mr. Lavoie proceeded with his applications for re-zoning and consent, both of which were considered by the Planning Advisory Committee and the Committee of Adjustment on July 9<sup>th</sup>.
- On July 11, Mr. Lavoie telephoned me and informed me that he had been advised to write a letter to Council requesting that the Municipality pay for the servicing.

**From:** [Brian and Shani](#)  
**To:** [Alisa Craddock](#)  
**Subject:** Fwd: Water and Sewer Railway st B.Lavoie / S.Giroux  
**Date:** July-11-18 4:10:40 PM

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----- Forwarded message -----

**From:** **Brian and Shani** <[lavoiebs@gmail.com](mailto:lavoiebs@gmail.com)>  
**Date:** Tue, Jul 10, 2018, 5:07 PM  
**Subject:** Water and Sewer Railway st B.Lavoie / S.Giroux  
**To:** <[jsavage@westnipissing.ca](mailto:jsavage@westnipissing.ca)>, <[yduhaime@westnipissing.ca](mailto:yduhaime@westnipissing.ca)>

Good afternoon,

I am writing to follow-up on your inquiry as to the nature of the sewer main installation costs that my wife and I are personally incurring on the North side of Railway St. between A-Z Welding and the Community Living administration building.

Before we purchased the property approximately 6 months ago, we did our due diligence by contacting the Municipality Administration to confirm if both water and sewer services were available at the road and we were told that both were there. This means that we would only pay to hook up to existing infrastructure.

Based on this information we purchased the property.

Recently, we were informed that only the water main was in front of our property and that we would have to pay to install the sewer main from our newly acquired property to an existing main further down the road *as the existing sewers on that part of Railway St. run in the backyards of the homes* on the south side of this street. We were also told that after we pay for the sewer main and not if but when a problem occurs with the existing municipal infrastructure in the backyards of the homes they would then instead be connected to the sewer main we had installed! We feel flummoxed: If we don't have sewers our lots are worthless, and, if we wait, there is a no cut policy on new pavement and can do nothing for 5 years as the road was already planned to be repaved... if we pay, the project is not financially feasible and would never have been considered.

Although we realize no one could have guessed that the existing sewers ran in peoples backyards, we based our decision to invest in this central and existing West Nipissing property on the information we were provided with. We now are looking at having to pay tens of thousands of dollars extra to install sewers that we should simply be able to hook-up to at lot line.

We have applied to the appropriate municipal committees to have the property, which is almost one acre (approx 200'x195'), severed into three lots rezoned from a C1 zoning to a R3 zoning to allow for the possibility of creating housing (up to an 8 plex per lot).

These will be the only urban R3 lots central to all amenities, just off the HWY steps to Minnehaha Bay and our downtown core.

We are therefore asking council and the municipality to take responsibility for the

infrastructure needed as the information provided was incorrect. We realize we are responsible for fees associated to hooking-up from our property line. We base this request on the main following fact:

- We were told both water and sewer were available at lot

Also:

- This is not a new development or an expansion outwards of our municipal infrastructure, it is one of the oldest serviced areas in West Nipissing
- The fact that there are already sewers for the homes between A-Z Welding and Community Living that exist (in the backyards between homes) but are inaccessible make this a relocation of existing infrastructure
- The Municipality was already digging up, upgrading the water line and paving the majority of Railway St West of Nipissing and recommendations should have been made to council to include relocating sewers proactively in the first place

If you have any other questions, please feel free in contacting me at:

705-492-2244

Thank you for your inquiry and demonstrating concern about this situation.

Brian

**Brian Lavoie** MSED EAO

June 14, 2018

Melanie Ducharme  
Municipal Clerk / Planner  
Municipality of West Nipissing  
101-225 Holditch Street  
Sturgeon Falls, ON P2B 1T1

Dear Melanie,

**Re: Nipissing Street – No Cut Policy  
Town of Sturgeon Falls, District of Nipissing  
PIN 49079-0355 (LT)**

As you are aware, I am currently seeking severance approval for the creation of a total of four new lots fronting on Railway Street one lot west of Nipissing Street. During discussions with you and staff of the municipality, I was made aware that full municipal services were not available on this portion of Railway Street; specifically, there was no sanitary sewer. The existing watermain is being upgraded this year by the Municipality. While the road is under construction would provide the ideal time for the installation of the new sanitary sewer. I understand that a Site Servicing Agreement will need to be entered to guarantee the financing of this project.

I am working with Goodridge Goulet Planning & Surveying Ltd (GGPS) and Antoine Boucher, P.Eng., to determine the best means of providing a sanitary sewer. They have been consulting with Peter Ming and Shawn Remillard and have completed an assessment of the potential options for connecting the new sewer to the existing system. It is GGPS' and Boucher's recommendation that the new line be connected to the existing sanitary main on Nipissing Street. Please refer to the attached sketch for a visual representation of this.

Unfortunately, Nipissing Street was re-paved a few years ago and the Municipality's no cut policy would preclude any disturbance until five years after the road was paved. However, if we do not complete the construction in conjunction with the Municipality's replacement of the watermain on Railway Street, the construction cost of installing the new sanitary sewer would be far too cost prohibitive for the creation of just four lots. Also, we would be further delayed as Railway Street will be re-paved and the no cut policy would effectively limit development for an additional five years.

I am respectfully requesting Council to waive the no cut policy given the unique situation that exists. As shown on the sketch, the amount of disturbance of the asphalt on Nipissing Street is minimal and would be for a period of only a day or two before full service on Nipissing Street would be re-instated. We have an opportunity to provide full municipal service on Nipissing Street at no cost to the taxpayer for the sanitary sewer component of the work being undertaken. The benefits to the Municipality far outweigh the short-term inconvenience of a very limited time closure of one lane on Nipissing Street. All safety protocols will be provided

with flag-persons assigned to control traffic allowing vehicles to continue both north and southbound on Nipissing Street during construction.

It is my honest belief that all parties including the people of West Nipissing will benefit from this proposal.

Thank you for your consideration,

Sincerely,

A handwritten signature in black ink, appearing to read "Lavoie". The signature is written in a cursive style with a prominent loop at the end.

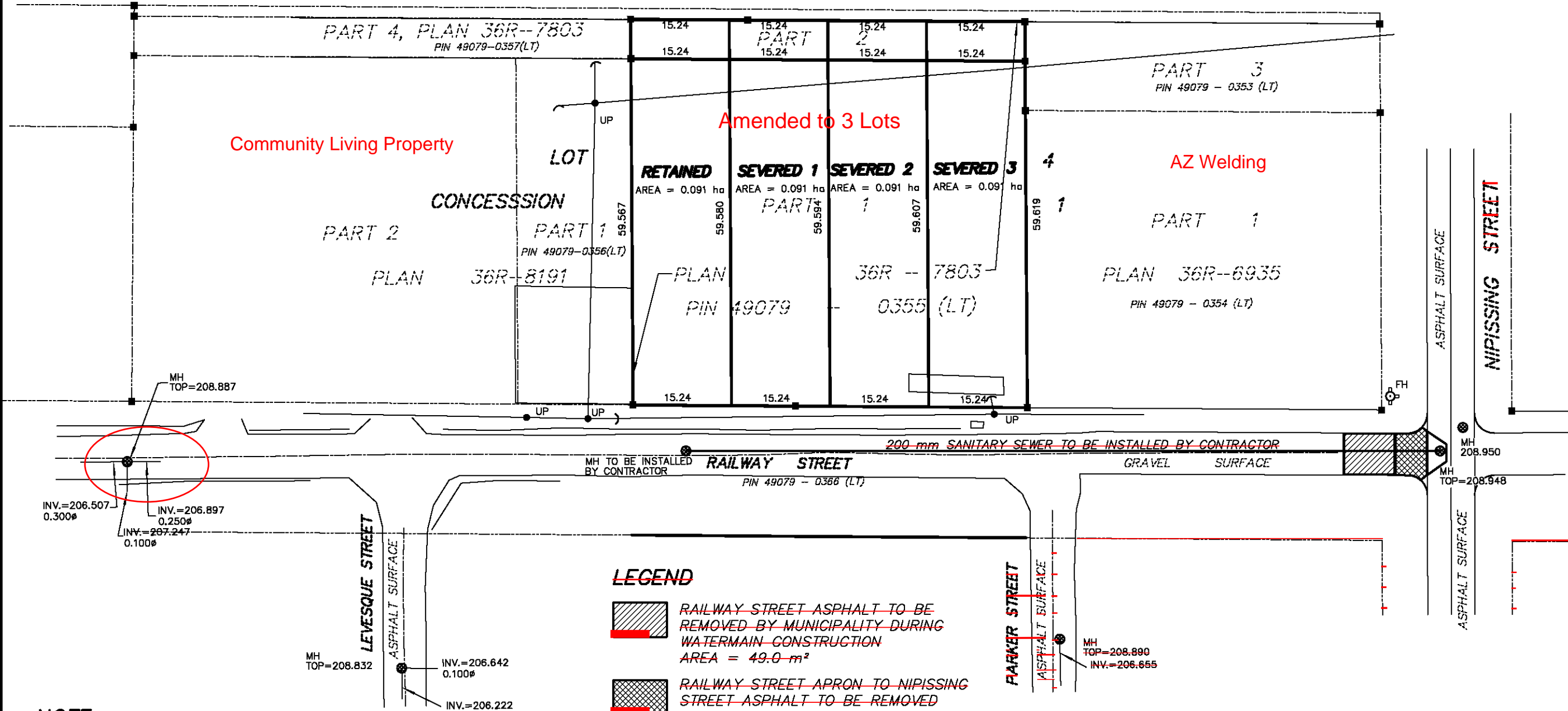
Brian Lavoie






**METRIC**  
 DISTANCES & CO-ORDINATES  
 SHOWN ON THIS PLAN ARE IN  
 METRES AND CAN BE  
 CONVERTED TO FEET  
 BY DIVIDING BY 0.3048.

**PART OF LOT 4, CONCESSION 1  
 GEOGRAPHIC TOWNSHIP OF SPRINGER  
 MUNICIPALITY OF WEST NIPISSING  
 DISTRICT OF NIPISSING**

CANADIAN PACIFIC RAILWAY



Sketch from previous  
 request for no-cut exemption  
 By Agreement - sewer to be  
 installed from MH in front of  
 Community Living Property

- LEGEND**
-  RAILWAY STREET ASPHALT TO BE REMOVED BY MUNICIPALITY DURING WATERMAIN CONSTRUCTION  
AREA = 49.0 m<sup>2</sup>
  -  RAILWAY STREET APRON TO NIPISSING STREET ASPHALT TO BE REMOVED BY CONTRACTOR DURING SANITARY SEWER CONSTRUCTION  
AREA = 33.0 m<sup>2</sup>
  -  NIPISSING STREET ASPHALT TO BE REMOVED BY CONTRACTOR DURING SANITARY SEWER CONSTRUCTION  
AREA = 13.6 m<sup>2</sup>

**NOTE**  
 CONTRACTOR RESPONSIBLE FOR RE-INSTALLMENT OF ALL ASPHALT REMOVED BY CONTRACTOR DURING CONSTRUCTION. ALL INFRASTRUCTURE ON MUNICIPAL LANDS TO BE GRANTED TO THE MUNICIPALITY.

**GOODRIDGE GOULET**  
 PLANNING & SURVEYING LTD.  
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