

March 16, 2021

Dear Members of the West Nipissing Council,

Re: ZBLA2021/04-Proposed Zoning By-law Amendment at Villeneuve Court

Please accept this letter as a written submission to the Municipality of West Nipissing in regards to the rezoning amendment application ZBLA2021/04 submitted by Ed. Seguin and Sons Ltd.

We, the neighbouring property owners from Villeneuve Crt., Bay St and Delorme Rd, have united as a group to express our concerns on this application. While we are supportive of the economic growth in West Nipissing, we strongly oppose this application due to a number of concerns we identify in this letter. Please note that we are prepared to appeal to the Local Planning Appeal Tribunal with legal representation. Most of us will observe the March 16 Council meeting on YouTube.

Balancing the Needs of all Parties with the Interests of the Municipality

A zoning amendment from residential to industrial is a substantial land use change that will have lasting impacts on the local residents and the community. Council members have a fiduciary duty toward all citizens of West Nipissing as outlined in the Council Code of Conduct.

As such, we feel that meaningful consultations with all interested parties are required before Council can make an informed decision on this application such that it will balance the needs of all parties with the interests of the Municipality.

We feel that the surrounding property owners and key stakeholders were not adequately consulted. We were not provided with enough details on the application and reasonable time to provide critical input. Most of us had less than 10 days. The applicant failed to provide information on its contribution to an approach to integrate with the local community or a proposed site plan that demonstrates ways to alleviate concerns such as drainage, controlled access points to the property, visual screening, traffic and safety concerns. Furthermore, the applicant did not provide a comprehensive proposal that includes its contribution to economic growth for the community.

Lack of Transparency for Purchasing of Municipal Land

To our knowledge, the municipal land that is subject to the zoning amendment has not been offered through an open and transparent public tender. We are concerned that this has provided preferential treatment to the applicant, especially since the Villeneuve residents were denied an offer to purchase the land in 2006, and then again, last year. Some residents on Villeneuve court are still interested in purchasing the land.

We are concerned that taxpayers are not getting a fair market price for this municipal land.

Proposed Land Use and Community Needs

Generally, we feel that this application is being expedited without fully considering the concerns of all interested parties including the residents. A significant change such as this requires careful considerations and needs to take into account a balanced needs of economic development and those of local residents.

It is our hope to provide you with further information at this time to demonstrate the need for more conversation, time, and consideration to make an evidence-based decision.

We understand that housing is a critical need in the Municipality of West Nipissing. Keeping this property designated as a residential zone could allow for future development of residential properties. This would support the interests of the Municipality and align with the current land use of neighbouring properties.

Amending the current residential property to industrial would not be the best use of land for the community. The mix of residential and industrial properties are not compatible land uses. The Municipality should not amend a zoning close proximity to the town center (within a 1km radius from Town Hall). Now that the municipality has grown, we feel that new applications for industrial land use should be left to properties outside the town core. This would prevent noise nuisance, air quality and safety concerns for surrounding properties.

Alternative Means to Meet Economic Development while Minimizing Negative Impacts to Local Residents

We feel the economic benefits can still be achieved, through other means, while meeting the needs and interests of all parties: the applicant, surrounding residents and the Municipality of West Nipissing. The applicant could explore using the current buildings on its property at 106 Bay St, that once served as cold storage for Nipissing Food Services, and other food distribution companies that occupied the property in the past. Alternatively, the applicant could consider using a portion of their land on 8 Front street, which is now mostly vacant (the applicant has moved most of their vehicles and storage containers to 106 Bay St). These options would not require zoning amendments thereby lowering the administrative burden for all. A public consultation would be helpful in finding a solution that is suitable for all interested parties.

Impacts to Existing and Future Residential Properties

Our concerns with the application pertain to property drainage, noise, dust, fumes, a lack of sufficient buffer, as well as, the appearance and safety of a heavy industrial business in a scenic vista. In addition, we are concerned about the impact of the extreme change from a beautiful natural forest area to an industrial park, and the negative impacts that this plan has on nearby real estate investments. Please see Annex 1 with a detailed list of concerns.

Current Practices Do Not Align with the West Nipissing Official Plan

We are concerned with current practices on the applicant's existing industrial property at 106 Bay St. Previous owners of this property (e.g. Nipissing Food Services, and Sysco) kept the property tidy and conducted business while considering neighbouring property owners. In recent years, the applicant has taken ownership of this property.

Below are excerpts from [West Nipissing Official Plan](#) - Industrial Areas

- Access should be controlled through such measures as definable and curbed access points, shared access or service roads for multiple developments, prescribed spacing and number of access points to each other and to intersections.
- Access to industrial areas shall not be permitted through a residential area. Areas for outdoor storage, parking, loading, and waste receptacles should be visually screened or appropriately located in such a way as to not detract the traveling public or negatively affect other nearby land uses, particularly sensitive land uses.

Despite having an opportunity, current practices do not seem to align with the Official Plan. To maintain the visual appeal of the neighbourhood, the applicant could have left a buffer zone of trees on Villeneuve Court to keep heavy machinery away from view of local residence.

See the photo below that depicts storage containers, the parking lot for heavy machinery that are not visually screened. The property does not have defined curbed access points - creating a safety concern for local residents.

This development has also created some drainage issues with neighbouring properties and remain unresolved (infractions under the By-Law on Property Standards).



Photo taken by a drone on February 4, 2021. The photo depicts the site at 106 Bay St. mainly used as a storage with a variety of equipment and storage containers. Since the photo was taken, more equipment is being stored on site. We have reason to believe the applicant is moving its equipment from their operations on 8 Front St. location to this site.

This satellite photo on the right, taken from Google Maps and depicts the property at 106 Bay St. before the applicant took ownership. This also demonstrates the trees that were on the property that could have been used to screen the sight line of the latest development.



Applicant at High Risk of Non-Compliance

Further to the concerns regarding the current practices mentioned above, the applicant has not demonstrated to be a good corporate citizen. The applicant has shown no regard to neighbouring property owners.

We are concerned the applicant may cause issues in the future leaving residents with an unfair civil dispute with a corporation that has greater access to legal representation. Past issues have shown that the municipality has limited enforcement tools when corporations are not willing to comply with orders. Once a development project has been completed, a controlled site plan will have limited effectiveness at resolving future issues. For example, in the case of the current drainage issue, the applicant has experience in drainage work and offers excavation and drainage services on their website. They even have the heavy machinery on site. Despite numerous conversations, the applicant is not willing to take corrective measures to apply good drainage practices. This has left the situation unresolved for several years, while it creates hardship to neighbouring properties.

Ways that the applicant could have demonstrated more regard for the neighboring homeowners include keeping a buffer zone of trees on Villeneuve Court to keep heavy machinery from the view of local residents and provide a proper entrance with signage to ensure the safety of everyone. Proper removal of snow would avoid dumping piles of snow on municipal drainage ditches and on neighboring properties. Furthermore, the work completed by Seguin and Sons at the south end of their property at 106 Bay St., triggered a drainage issue and they failed to take corrective action after being notified by the municipality and residents of 120 Bay St. and 124 Bay St.



Photo taken on March 14, 2021 facing south at the corner of Bay St. and Villeneuve Court. This depicts snow from 106 Bay St. pushed across Villeneuve Court in a municipal drain, causing a blockage. This snow removal pattern is repeated every season despite complaints from property owners to the municipality. The applicant does not seem to have regard for neighbouring properties.



Photo taken in early April 2019. Depicts the snow pushed from 106 Bay St. past its property line on to 120 Bay St. and on the Delorme Family property. The blockage of drainage ditches and snowmelt, exacerbates existing drainage issues. This snow removal pattern is repeated every season despite complaints from property owners to the municipality. The applicant does not seem to have regard for neighbouring properties.

Conclusion

We trust that our concerns will be carefully considered by the Council to make an informed decision. According to the West Nipissing Code of Conduct, the purpose of the council is to protect the public interest. The importance of the code of conduct policy ensures equitable treatment of citizens, ensures accountability at all levels and ensures optimal use of available resources. During the Planning Advisory Committee meeting that was held on March 8, 2021, the residents from Villeneuve, Delorme and Bay demonstrated they strongly opposed the proposed rezoning application.

We are hopeful that you will take the information that we have provided and consider denying this application. In the event that this application is accepted by the West Nipissing Council, we want it known that we will be seeking legal representation and appealing this decision.

Sincerely,

Concerned residents of Villeneuve Crt., Bay St and Delorme Rd,

Annex 1: Summary of Key Concerns

1) Water Drainage

As described in the written submission to the Planning Advisory Committee, submitted by Pierre Leblanc (120 Bay St), recent development at the south end of the applicant's property at 106 Bay St has caused water drainage issues affecting surrounding properties. For example, property owners of 124 Bay St. are experiencing issues with their septic tank and many of their trees along the property line that provide privacy and sound attenuation have died while more trees are dying.

Concerns of future development

We want to reiterate concerns that further development will exacerbate existing drainage issues and will likely create more issues. During the March 8 Planning Advisory Committee meeting, members acknowledged drainage as a key concern that needs to be addressed in the application before approval.

Request to Council: If Council votes in favour of the application, we request the Council ratified decision reflect language used in the planning report as follows: *"The Applicant will provide a drainage plan for the subject property, taking into account adjacent lands and historic drainage patterns prior to any development of the property or issuance of a building permit."*

Furthermore, the drainage plan should apply to the applicant's current property at 106 Bay St given they are adjoining property.

Concerns with unresolved drainage issues

Despite multiple conversations between affected property owners, the applicant and the municipality over the course of several years, the existing drainage issues remain unresolved. We fear that the applicant does not intend to resolve existing drainage.

Request to Council: We request the applicant demonstrate they are negotiating in good faith with the community by resolving existing drainage issues. We propose Council to pause application until such a time. Resolving the outstanding issues should be straightforward given the applicant has the heavy machinery equipment on-site and experience in conducting drainage work.

2) Noise, Dust, Fumes

The current situation has an existing 300' plus buffer. With this existing buffer, the noise, dust and fumes create concern for the neighbors. However, the proposed rezoning will increase the amount of dust, fumes and noise. If zoning is amended, all of these concerns will have a greater impact on the air quality (particulate matter) and the quiet enjoyment of our property.

3) Lack of Sufficient Buffer

We want to stress the concern regarding a lack of sufficient buffer between a beautiful developed neighborhood and an industrial business. We would like to ask the council to present data and arguments why they feel that only 15 m is sufficient. During the planning meeting, Paul Goodridge mentioned that one option would be to plant trees. That may take 10-15 years for the trees to be effective. In fact, the current situation with 300' plus already poses sound concerns.



This image was taken using Google Earth. It demonstrates how little 50 feet (15 m) actually is. The short perpendicular red lines depict the width of the proposed buffer.



These photos were taken on March 14, 2021. The photos were taken 50ft (15m) from the property line as per the proposed buffer. It would take a decade or two before planted trees would be mature enough to attenuate some of the noise. A noise barrier fence in addition to the buffer of trees would be more effective.

5) Extreme Change from Natural Forest Area to Industrial and Environmental Concerns

The area in question has an existing forest. This forest creates a noise, dust and visual buffer between our homes and the industrial property. This forested area is home to a number of animals including deer, turtles, snakes, fox, skunks, and several other animals. It is a natural habitat for Northern Ontario animals including some possibly endangered species. In addition, it includes existing trails that have been used for decades.

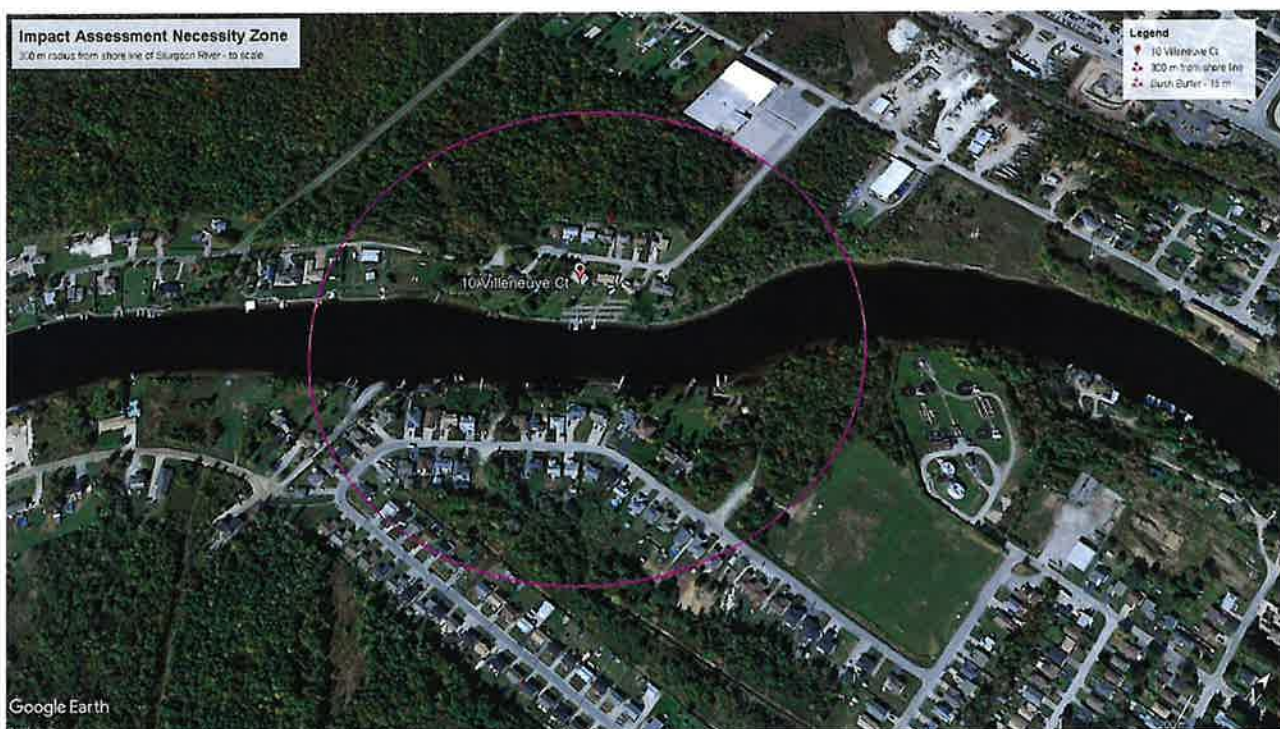
Over the years, the homeowners purchased their homes with the understanding that the forested area would be maintained or developed into residential properties. With the current need for housing in West Nipissing, why would we rezone a prime residential area?

As per S.3. SS. 3.06.8 (8) of the Land Use Plan "The Municipality is characterized by a landscape with many lakes and rivers. The policies of this section of the Plan generally apply to lands within the first 300 m {984 ft.} of the shoreline of these water bodies. The design and development or redevelopment of shoreline properties shall include provision for the establishment and/or retention of the natural features and shoreline (riparian) vegetation and shall be in addition to any provision imposed by a

conservation agency as part of a shoreline management plan or flood or erosion control (see also Section 6 - Public Health and Safety).”

Based on this by-law and the location of the riverfront properties, we believe that an Impact Assessment is a requirement and should be included in a site plan. We would ask that if this application is accepted that the council consult with all stakeholders before moving forward with the rezoning. We believe that the Ministry of the Environment, Conservation and Parks should be consulted for advice.

- See letter attached from a youth perspective



This image was created using Google Earth. The circle demonstrates the area that is required to have an Impact Assessment based on the distance from the shoreline.

6) Possible Depreciation of Property Value

Current residents purchased knowing the adjacent lot was residential. Home ownership is one's single greatest investment. Some local realtors have unofficially quoted residents with an estimated drop in \$50k per property and perhaps more for waterfront lots.

Please refer to the letter (see below) from licensed realtor for 22 years of experience



TO: Township of West Nipissing

It has come to my attention that a business bordering on a residential zoned area of your township would like to expand their plan of business to cause some grief to homeowners in the form of ; more noise generated by carrying their daily activity . and . affecting the value of their properties by the mere presence of this " expansion of this business .

To put a dollar amount on the reduction in the property values would take a study of past cases to come to a conclusion .

The effect on " quiet enjoyment of their property " and not be affected by overly noisy daily activity and the allowability of outside storage turning into a neighborhood nightmare , giving the appearance of an unkept neighborhood is of great concern to the people who live in the immediate area .

Please reconsider to further study this matter before you seriously , and to render an INFORMED decision , rather than a hastily put together approval that will be met with further action by the homeowners.

All the best in your decision making

Terry Shea
Sales Associate - Eric Hyatt Real Estate Limited Brokerage

Re: ZBLA2021/04-Proposed Zoning By-law Amendment at Villeneuve Court

Name	Address	Signature
Brouse, Pauline	18 Villeneuve Court	Pauline Brouse
Leduc, Gilles	18 Villeneuve Court	Gilles Leduc
Cheff, Nathalie	126 Bay St.	N. Cheff
Cheff, Ron	126 Bay St.	R. Cheff
Crawford, Bill	23 Villeneuve Court	Bill Crawford
Edmunds, Chantal	¹⁴ 8 Villeneuve Court	Chantal Edmunds
Edmunds, Russ	¹⁴ 8 Villeneuve Court	Russ Edmunds
Grasser, Gord	130 Bay St.	Gord Grasser
Grasser, Helene	130 Bay St.	Helene Grasser
Hellawell, Brett	124 Bay St.	Brett Hellawell
Hellawell, Monique	124 Bay St.	Monique Hellawell
Hill, Garnet	7 Villeneuve Court	Garnet Hill
Hill, Nancy	7 Villeneuve Court	Nancy Hill
Kraft, Christine	10 Villeneuve Court	Christine Kraft
Kraft, Henry	10 Villeneuve Court	Henry Kraft
Lamb, Tammy	11 Villeneuve Court	Tammy Lamb
Lamb, Ray	11 Villeneuve Court	Ray Lamb
Lavergne, Angele	19 Villeneuve Court	Angele Lavergne
Lavergne, Michel	19 Villeneuve Court	Michel Lavergne
Lavigne, Kevin	25 Villeneuve Court	Kevin Lavigne
Lavigne, Tina	25 Villeneuve Court	Tina Lavigne

Leblanc, Helene	120 Bay St.	Hélène Leblanc
Leblanc, Pierre	120 Bay St.	Pierre Leblanc
Malette, Claude	5 Villeneuve Court	Claude Malette
Malette, Elaine	5 Villeneuve Court	Elaine Malette
Malette, Andre	15 Villeneuve Court	Andre Malette
Malette, Stacey	15 Villeneuve Court	S Malette
Rivest, Gisele	20 Villeneuve Court	Gisèle Blais Rivest
Rivest, Frank	20 Villeneuve Court	Francis Rivest
Roberge, Karen	2 Villeneuve Court	Karen Roberge
Roberge, Yves	2 Villeneuve Court	Yves Roberge
Seville, Stuart	24 Villeneuve Court	Stuart Seville
Delorme Properties Lt. Doracha Delorme	186 Church St.	Doracha Delorme

March 15, 2021

Dear Council Members of West Nipissing,

Re: Rezoning application in the Villeneuve Court area

Our names are Erika Malette and Brooke Malette. We feel that we represent the youth. We would like to ask you to listen to our thoughts regarding the changes that are happening in our community near our home. We live at 15 Villeneuve Court and have lived here our entire lives. Living in this area has been the foundation of our childhoods. It is a great place for us to live because we both have a strong belief in caring for the environment and love the area around our home. We can remember the days when our parents helped us plant trees and gardens to keep our property and home beautiful.

We are writing this letter to ask you to think about preserving the land behind all of our homes. We can tell you all about our wonderful childhood memories but we have learned that that is not something that would matter in the case of the land that they would like to rezone. What we would like to ask you to think about is the importance of preserving untouched land in areas of our community. Throughout our education, we have learned how to be citizens who demonstrate stewardship, which is ultimately caring for the environment. We both hope that the town would not allow a business to tear down so many beautiful trees when it is unnecessary. Maybe there is another property that that can be a better place for the proposed business. We also worry about the animals that live in these woods. We can tell you that we have personally seen turtles, deer, bears, skunks, raccoons, owls and the list goes on. We have learned about how our environment is in a detrimental state. We have learned that it is up to all of us to make this a priority and to prevent further damage to our earth. Tearing down acres of trees is not best for this area of our community. We believe that the trees that were torn down over the last few years have already contributed to an increase in pollution and a decrease in animal activity. As young Canadians, we feel that it is important to protect these beautiful grounds and animals.

We would also like to ask you to think about our safety. We have had some difficulty while going for a walk or a bike ride and even getting on the bus to go to school. It is scary to go past this corner because we never know when or where the trucks will come flying out. It is a bit unsettling to walk from a quiet neighborhood into an area where you feel so unsafe.

We have also learned a lot about leadership in our young lives. We both hope that the leaders that represent the people in our community as part of the council will take the time to consider our ideas. We hope that the council shows us an example of leadership by listening to our community members.

We thank you for reading our letter and listening to our thoughts.

Sincerely,

Handwritten signatures of Erika Malette and Brooke Malette in cursive script.

Brooke and Erika Malette