



Summary of Correspondence Received on Proposed ZBA at 580 Middle Sideroad

Below is a summary of the comments received by the Planning Services Division on ZBA/23/22.

Essex Region Conservation Authority:

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the *Conservation Authorities Act*). As a result, a permit is not required from ERCA for issues related to Section 28 of the *Conservation Authorities Act*, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservations Authorities Act*, (Ontario Regulation No. 158/06).

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 PPS, 2020 - Stormwater Management

The Authority may have concern with the potential impact of the quality and quantity of runoff in the downstream watercourse due to future development of this site. If this property is subject to Site Plan Control, we request to be included in the circulation of the Site Plan Control application. A Development Review Application may be required for the review of stormwater management plans for future development on these parcels.

ERCA recommends the Town to ensure that the severed and retained lands, including relevant adjacent lands, all have legal mechanisms in place for required drainage rights, in accordance with any previously approved stormwater management plans for this area.

FINAL RECOMMENDATION

ERCA requests to be included in the circulation of the Site Plan Control applications for the subject property, if applicable. Pending the above recommendations, ERCA has no objection to Application for Consent B-32-22.

Essex Terminal Railway:

After reviewing the attached document the Essex Terminal Railway has the following requirements for residential / commercial development abutting our railway easement.

The development conditions/restrictions/specifications would include:

- Warning clause for all dwellings within whole proposed development – without limitation, the warning clause in purchase agreements and registered on title. See attached template warning clause for sale contracts, etc. as a guideline.
- Buffering/setbacks per concept plan (50m setback)
- Full brick exterior veneer/cladding (or better acoustical properties) to roof
- Minimum double-glazed windows
- All homes to have central a/c, air exchange
- All yards fenced to provide for safety of occupants
- Confirm storm water drainage does not affect rail line
- All municipal and provincial standards are complied with, including any required noise/vibration attenuation measures should those be found necessary.

RAILWAY PROXIMITY WARNING CLAUSE - ETR

No agreement of purchase and sale, building contract or lease of the lands shall be entered into without a warning clause inserted into said agreements as follows:

- a) Sound levels from increasing rail traffic may interfere with activities of dwelling occupants and the sound level may exceed the noise guidelines of the Municipality and the Ministry of the Environment, and Conservation and Parks.
- b) The Essex Terminal Railway Company (or its successors and assigns) (“ETR”) has a rail line abutting the lands. There may be alterations or expansions of rail facilities and increases in types, volume and frequency of uses on the right-of-way in the future, which may result in increased noise, dust, vibration and odor, among other effects. ETR will not be responsible for any complaints, claims, damages or costs of adjoining owners arising from its facilities and operations on its abutting right-of-way.
- c) The dwelling units on the lands have been supplied with central air conditioning and air exchange equipment which will allow windows and exterior doors to remain closed, intended to reduce, but not eliminate, the effects described above.

Fire Department:

No concerns as far as zoning changes for this site.

Infrastructure Services:

No comments on the application. It is the expectation that the future development of

these properties will be subject to the Site Plan Control process and it will be at that time that Infrastructure Services will provide comments regarding site servicing, right-of-way issues, drainage, storm water management, etc.

John and Tracy Valaris:

As per this hearing, I am the property owner of 1006 concession 2 north, my recently purchased property from Mr Pacciti.

I am only 200 feet from this proposed commercial build. At the time of purchase Mr Pacitti's representatives did not inform me of Mr Pacitti's intent to rezone and build 3 commercial properties next to my new home.

I did not even consider the possibility that my new investment could be saddled with commercial properties and several Transient rental properties.

This will have a devastating effect of the neighborhood aesthetically as well as an influx of people walking around the area from all the businesses, as well as the residential foot traffic from all the rental properties.

This will bring down property values for the entire street.

I have just started building my home and I've spent near half a million dollars so far and I had no idea this was coming, To say the least I oppose the zoning change to mixed use commercial.

I purchased on the thought I would have single family dwellings as Neighbours, not high-volume housing.

If this goes through, I will stop my build and Also Propose that I build a very large apartment complex on my acre property as it will no longer have a residential feel and I will also build a large apartment building on my property.

Please confirm you received my email and if I'm required to attend this meeting in person? Or if this will be read in my absence and my choice of no will be noted.

Domenic Varacalli:

I am responding to Notice of Public Hearing with regards to Pacitti Contracting Company c/o Dillon Consulting Limited. I own the lot beside land that is proposed to be severed (580 Middle Sideroad). I am **against this application and the proposed Zoning By-Law Amendment.**

Mike and Danielle Stevenson:

I am responding to Notice of Public Hearing with regards to Pacitti Contracting Company c/o Dillon Consulting Limited.

I live at 991 Second Con. Road for the last 22 years and although we understood that the land was zoned as commercial when purchasing our lot in 1999 we never thought anything would be built. (Since it was vacant land for more than 20 years as I grew up in this neighborhood).

When the current buildings were erected, we were in opposition but understood it was hard to voice concern when we knew what could be eventually built due to zoning. However, to hear now they are looking for commercial properties AND several rental properties we are **STRONGLY against this application and the proposed Zoning By-Law Amendment.**

The decrease in property values alone should result in defeat of this amendment. The fact that the original buildings were allowed to be built was a mistake that should not be repeated. People build houses outside of urban areas to be outside urban areas. Our heart goes out to the people adjacent to the proposed development who just paid \$350,000 for their lots to erect million-dollar homes only to have to deal with this. These new owners were clearly not made aware of this before purchasing.

Our quality of life shouldn't be sacrificed for someone else's greed. I am sure the Pacitti's would not want to live across from this yet have no problem forcing us to.

Council should do the right thing and listen to the people that are affected, as they are the ones that will have to live with this. We pay taxes, too.

Mohamed Saeed:

Dears respected Council of the corporation of the town of Amherstburg,

I write to you today to record my opposition to the file of Pacitti contracting company inc., C/o Dillon consulting Limited, agent in the matter of Re Zoning commercial property to Lands to be serviced for the purpose of complex residential units.

I am the owner of 1012 Concession Rd 2 N, Amherstburg ON (Land plot 300ft away from the proposed application area).

At the time of sale, there was no former information on said plans nor any communication that further developments will occur in that commercial property.

Such plans if approved will impact on this quiet residential community and will devalue the area. An area we spent our hard earned life savings to purchase a land and build our dream home.

I again strongly oppose to such application and ask the council to not consider it.

My sincere apologies for the late communication as I have come to know only today of all this, I am at Sea most of the time due to my work obligation.