



## Summary of Correspondence Received on Proposed ZBA for Riverview Subdivision

Below is a summary of the comments received by the Planning Services Division on ZBA/03/25 as of February 21, 2025.

Nick Cacciato and Aleks Stulic, two Thrasher Drive residents:

See attached letter.

Essex Region Conservation Authority:

See attached letter.

County of Essex

See attached letter.

Infrastructure Services:

See attached letter.

Windsor Police:

The Windsor Police Service has no concerns or objections to the Zoning By-law amendment application to convert the subject lands (currently vacant) into a residential development (Riverview Subdivision). Once the application progresses further to the stage where a more detailed review of the draft plan of subdivision occurs, we will provide more specific remarks in relation to public safety implications.

## Letter to Council 2025

In a report submitted by Biologic on November 23, 2018, the agency commissioned to conduct a Scoped Environmental Impact Assessment on Lot 24, Concession 1, discussions were held with the Ministry of Natural Resources and Forestry (MNRF) to ensure compliance with the Endangered Species Act. As a result, the following additions to the initial proposal were recommended:

- The naturalized southern hedgerow will be removed during the active season for the Eastern Foxsnake and replaced with a double row of white cedars, creating a combined wildlife corridor and defined property boundary.
- The proposed north-south hedgerow of white cedars along the eastern property boundary will be replaced with a 5-meter-wide hedgerow composed of native shrubs, forbs, and grasses. The hedgerow will be established following the guidelines in Appendix 2, using species listed in Appendix 3.
- A fence will be installed along the western boundary of the north-south hedgerow to provide physical protection.
- The north-south hedgerow will be legally protected through zoning provisions placed on the land by the proponent as a condition of Site Plan approval, prior to the sale of any lots.

A correspondence, dated October 18, 2018, between the Proponent, Biologic, and a representative of the Ministry of Natural Resources and Forestry (MNRF), reflects MNRF's assessment regarding the southern hedgerow as a viable habitat for the Eastern Foxsnake. While MNRF acknowledged the hedgerow's habitat function, they ultimately conceded that modifications could be made to allow for a form of habitat to remain. The correspondence states:

\*"It is MNRF's opinion that the southern hedgerow currently provides habitat for Eastern Foxsnake (e.g., movement corridor, yard waste/compost piles, and other cover objects from natural and anthropogenic features). It is likely that replacing the existing southern hedgerow with a double row of cedar trees will disrupt the current habitat function.

However, MNRF recognizes that the location of the hedgerow (situated between residential buildings and adjacent to a highway) is not an ideal habitat for the Eastern Foxsnake. MNRF believes that the most critical function to maintain in this project is a naturalized corridor running north-south along the eastern property boundary, connecting the naturalized area at the northern boundary with the existing hedgerow along the southern boundary.

Your current proposal includes a double row of cedar trees with a farm plough setback (~5m wide) between the proposed hedgerow and the adjacent farm field. MNRF recommends replacing the double row of cedar trees along the eastern property boundary with a diverse mix of native deciduous shrubs and herbaceous vegetation to provide more suitable habitat for the

Eastern Foxsnake. Additionally, MNRF suggests incorporating two brush piles into this natural corridor. Fencing should also be installed along the backs of properties bordering this area.

If these measures are implemented, MNRF is of the opinion that the southern hedgerow can be replaced with a double row of cedar trees while maintaining the habitat function for the Eastern Foxsnake, thereby negating the need for a permit under ESA Section 17(2)(c)."

It is important to note that the environmental assessments forming the basis of these recommendations were conducted **after** the southern hedgerow had already been razed by the previous owner—an action taken without proper authorization. This likely compromised the accuracy of the assessment and may have caused irreversible damage to the habitat.

Furthermore, as stated in an email from Kathleen Buck, the management biologist representing the MNRF:

*"This letter to the Proponent (AYL-L-045-18) is valid until April 30, 2019. MNRF should be contacted for a new review if the project activities have not been completed by this date or if the land ownership has changed."*

Considering these revelations and the significant time that has elapsed since the initial assessment, I believe it is essential to pause any further action and restart the evaluation process. This will ensure that the proposed plan does not harm the natural environment or, at the very least, mitigates any potential damage. It is important to note that there is evidence of the presence of the **Eastern Foxsnake**, a species protected under both provincial and federal law.



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January 30, 2025

**Ms. Janine Mastronardi**

Planner

3295 Meloche Road

Amherstburg, ON

N9V 2Y8

Dear Ms. Janine Mastronardi:

RE: Zoning By-Law Amendment ZBA-03-25 1267 FRONT RD N

ARN 372946000012000; PIN: 015461129

Applicant: 1583954 ONTARIO LTD

The Town of Amherstburg has received Application for Zoning By-law Amendment ZBA-03-25 for the above noted subject property. The applicant is proposing to construct a residential subdivision.

This rezoning application will affect approximately 4.42 ha of land described as Concession 1, Part Lot 24, municipally known as 1267 Front Road North. The subject lands are currently zoned holding Special Provision Residential Type 1B (h-R1B-2) Zone and designated Low Density Residential in the Town's Official Plan.

This rezoning, if approved, will change the zoning of the subject lands noted above from the "holding Special Provision Residential Type 1B (h -R1B-2) Zone" to "holding Special Provision Residential Second Density (h-R2-11) Zone".

The effect of the amendment will be to allow general residential uses specifically limited to single detached dwelling, home occupation, accessory uses, public use and supportive community home on the subject properties with a minimum lot area of 460 sq m, a minimum lot frontage of 12 m, a minimum interior side yard setback of 1.2 m and a maximum lot coverage

of 35%. The proposed zone change will facilitate a proposed minor redline amendment to the approved draft plan of subdivision which is proposing to increase the number of single detached dwelling building lots from the approved 37 to 44. This application for amendment is proceeding

concurrently with the County of Essex and Town.

The following comments are provided as a result of our review of ZBA-03-25.

Ms. Janine Mastronardi  
January 30, 2025

**NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT, O. REG 686/21, PPS**

The following comments reflect ERCA's role in protecting people and property from the threats of natural hazards and regulating development hazards lands under 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 (Ontario Regulation 41/24 under the *Conservation Authorities Act*). However, due to the scope and scale of the proposed works, an approval from our office is required.

ERCA has concerns with the potential impact to the quantity and quality of runoff in the downstream watercourse due to the proposed development on this site. ERCA recommends that both the quantity and quality of excess runoff be adequately controlled to avoid any adverse impacts to the downstream watercourse. We therefore request inclusion of the following conditions in the Development Agreement:

1. That the developer undertakes an engineering analysis and implement the necessary measures to control any increases in flows to the downstream watercourse, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
2. That the developer obtains the necessary approval from the Essex Region Conservation Authority prior to undertaking site alteration and/or construction activities.

**FINAL RECOMMENDATION**

Our office has **no objection** to ZBA-03-25. As noted above, due to the scope and scale of the proposed works, an approval from our office is required. We request that a stormwater management plan be designed and implemented to the satisfaction of ERCA and the Municipality.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Alicia Good  
Watershed Planner





February 3, 2025

Christopher Aspila  
Town of Amherstburg  
3295 Meloche Rd.  
Amherstburg, ON, N9V 2Y8

Dear Mr. Aspila

**Re: Zoning By-law Amendment, ZBA-03-25**

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Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering-related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 20. There are no objections to this amendment. The applicants will be required to comply with the following County Road regulations:

***This road was formerly King's Highway 18 until it was downloaded to the County of Essex. MTO procedures will be applied.***

Comments previously forwarded as it pertains to the proposed Riverview Subdivision, remain the same.

Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances and structures.

We are requesting a copy of the Decision of the aforementioned application. Thank you for your assistance and cooperation in this matter.

Should you require further information, please contact the undersigned by email at [kbalallo@countyofessex.ca](mailto:kbalallo@countyofessex.ca) or by phone at extension 1564.

Regards,

A handwritten signature in black ink, appearing to read "Kristoffer Balallo".

Kristoffer Balallo  
Engineering Technologist

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# The Corporation of The Town of Amherstburg

## MEMO

**To:** Janine Mastronardi, Planner

**From:** Sydnee Botham, Development Engineering Coordinator

**Date:** January 30, 2025

**Subject:** Riverview Subdivision – ZBA & Draft Plan Redline Review  
Town of Amherstburg

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The following submission package was reviewed for conformance with Amherstburg's Development Manual and the Windsor-Essex Region Stormwater Management Standards Manual (WERSMSM):

- Red-line Revisions to Approved Draft Plan of Subdivision 37-T-22003, dated December 24, 2024
- Concept Development Plan, dated January 4, 2025
- Impact Assessment Supporting Redline Amendment, dated January 16, 2025
- Traffic Memo, dated January 5, 2025

Based on the review, we offer the following comments.

### General

1. Engineering and CLI review fees per Amherstburg's user fees by-law are applicable for this development. The Developer is responsible to borne all costs associated with this review and all subsequent reviews therein.
2. Consolidated Linear Infrastructure (CLI) review and approvals will be required for all proposed stormwater and sanitary infrastructure to be assumed by the Town of Amherstburg. CLI review fees per Amherstburg's user fee by-law are applicable for this development. The Developer is responsible to borne all costs associated with this review and all subsequent reviews therein. CLI forms shall be submitted with the updated civil design package.
3. ERCA approval is required to be obtained and forwarded to the Town of Amherstburg for file.

4. Sign layout drawing to be included as part of civil design package to note location and type of all stop signs, street name signs, and no parking signs.
5. Duct schedule for road crossings to be included in the civil design package.
6. Approved CMB location to be shown in the drawing set. Written approval from Canada Post to be sent to Amherstburg for file.
7. Street names shall be selected and approved by Amherstburg Council prior to finalization of the Traffic Memo. Street name placeholders (Road 'A', 'B', etc.) shall be replaced with approved street names in the body of this memo and all other relevant reports and drawings.
8. The development must request the Council procure a report of an engineer to vary the assessment, under Section 76 of the Drainage Act. R.S.O. 1990, c. D.17, s. 76 (1); 2006, c. 19, Sched. A, s. 6 (1) due to change in the land that require a justification or variation in the assessment for maintenance and repair of the drainage works.

#### **Red-line Revisions to Approved Draft Plan of Subdivision 37-T-22003**

1. No comments.

#### **Concept Development Plan**

1. All sidewalks proposed within the development shall connect to any existing active transportation networks on Front Road.
2. Proposed boulevard width must be consistent and continued around the cul-de-sac bulb.
3. Sidewalk at the end of the cul-de-sac to be continued around the cul-de-sac bulb fronting lots 22-27.
4. The reconfiguration of the pond bottom and low flow berm noted in the *Impact Assessment Supporting Redline Amendment* letter is not shown in the Concept Development Plan. Engineer to revise.
5. Engineer to confirm if driveway locations of lot 1 and 41 must remain on the east side of the lots in order to facilitate proper sight lines from Street 'A' to Front Road. If yes, a note shall be included in the civil drawing package and PDC sheets to address this requirement.
6. It shall be detailed in the civil drawing package all required removals, works and restoration requirements within the Front Rd municipal right-of-way. All traffic control plans to facilitate this work must be submitted to Amherstburg and the County of Essex.



## **Impact Assessment Supporting Redline Amendment**

1. The proposed SWM strategy is acceptable in principle. Additional details shall be provided by the Engineer through a SWM report amendment. This amendment shall be submitted with the civil drawing package once the redline draft plan is accepted.

## **Traffic Memo**

1. No comments.

ZBA and redline draft plan amendment can be supported by Infrastructure Services based on the current submission.

It is recommended that the above-noted comments be addressed prior to the submission of civil drawings and a response to each comment through a comment matrix be resubmitted for review. Additional comments may become apparent through subsequent reviews of the proposal.

If you have any questions, please do not hesitate to contact the undersigned.



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Sydnee Botham  
Development Engineering Coordinator