the place for life



June 15, 2022

planning@erca.org P.519.776.5209 F.519.776.8688 360 Fairview Avenue West Suite 311, Essex, ON N8M 1Y6

Ms. Tammy Fowkes Deputy Clerk Town of Amherstburg 512 Sandwich St South, Amherstburg, ON, N9V 3R2 Tel: 519-736-0012 ext: 2216

Dear Ms. Tammy Fowkes:

RE: Application for Official Plan Amendment OPA 17 & Zoning By-Law Amendment ZBA-11-22 51 & 57 SANDWICH ST S ARN 37292600000800 & 37292600000900; PIN: 705530003, 705530156 Owner: ROSALINDA HOLDINGS INC & ESPOSITO MATTHEW MARIO

The following is provided as a result of our review of the Notice of Public Meeting to Consider Application for Official Plan Amendment OPA 17 & and Zoning By-Law Amendment ZBA-11-22.

This Official Plan Amendment, if approved, will amend the existing General Commercial policies to permit a drive through restaurant on the subject lands having a total gross floor area of approximately 211.2 square metres and an outdoor patio in conjunction with a multi-unit mixed use commercial/residential building having a total gross floor area of approximately 1191 square metres. The Rezoning, if approved, will establish site-specific lot and building regulations, in accordance with a final site plan to be approved by the Town.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES ASSOCIATED WITH THE CONSERVATION AUTHORITIES ACT

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).



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Ms. Tammy Fowkes June 15, 2022

RISK MANAGEMENT AND SOURCE PROTECTION PLAN

The subject property may lie wholly or partially within the Event Based Area (EBA) of the Essex Region Source Protection Plan, which came into effect October 1, 2015. The Source Protection Plan was developed to provide measures to protect Essex Region's municipal drinking water sources. As a result of these policies, new projects in these areas may require approval by the Essex Region Risk Management Official (RMO) to ensure that appropriate actions are taken to mitigate any potential drinking water threats. Should your proposal require the installation of fuel storage on the site, please contact the RMO to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water. The Essex Region's Risk Management Official can be reached by email at <u>riskmanagement@erca.org</u> or 519-776-5209 ext 214. If a Risk Management Plan has previously been negotiated on this property, it will be the responsibility of the new owner to contact the Essex Region Risk Management Official to establish an updated Risk Management Plan. For any questions regarding Source Water Protection and the applicable source protection plan policies that may apply to the site, please contact the Essex Region Risk Management Official.

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

We request to be included in the circulation of the Site Plan Control application. We reserve to comment further on storm water management concerns until we have had an opportunity to review the specific details of the proposal through the site plan approval stage.

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

We note that the subject property is adjacent to (within 120 m of) a natural heritage feature that may meet the criteria for significance under the PPS. Section 2.1.8 of the PPS, 2020 states – "Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and



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areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions."

Notwithstanding the above noted references to the PPS policies, we note that the proposed development is either adequately setback and/or physically separated from the natural heritage feature by existing development or infrastructure. Therefore, we do not anticipate any negative impacts associated with the proposal. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

FINAL RECOMMENDATION

We request to be included in the circulation of the Site Plan Control application. We reserve to comment further on storm water management concerns until we have had an opportunity to review the specific details of the proposal through the site plan approval stage.

Should your proposal require the installation of fuel storage on the site, please contact the RMO to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water. The Essex Region's Risk Management Official can be reached by email at <u>riskmanagement@erca.org</u> or 519-776-5209 ext 214.

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

Sincerely,

Vitra Chodha, E.P *Resource Planner* /vc



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Amherstburg / Essex / Kingsville / Lakeshore / LaSalle / Leamington / Pelee Island / Tecumseh / Windsor



CANADA POST 955 HIGHBURY AVE N LONDON ON N5Y 1A3 CANADAPOST.CA POSTES CANADA 955 HIGHBURY AVE N LONDON ON N5Y 1A3

POSTESCANADA.CA

June 8, 2022

JANINE MASTRONARDI PLANNING OFFICE CLERK TOWN OF AMHERSTBURG – LIBRO CENTRE 3295 MELOCHE RD AMHERSTBURG ON N9V 2Y8

Re: File No.: OPA NO. 17 & ZBA 11-22 51-57 Sandwich Street South

Dear Janine,

This development, as described, falls within our centralized mail policy.

I will specify the condition which I request to be added for Canada Post Corporation's purposes.

a) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me. I appreciate the opportunity to comment on this project.

Regards,

Bruno De Sando

Bruno DeSando CANADA POST CORPORATION Delivery Planning 955 Highbury Avenue LONDON ON N5Y 1A3 tel: 519-494-1596 fax: 519-457-5412 e-mail: bruno.desando@canadapost.ca



POSTESCANADA.CA

Lock-Box Assembly Requirements

The complete Canada Post Standards Manual for Builders & Developers can be downloaded at: https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual_en.pdf

Compartments Size

- Horizontal lock-box models used in mailrooms must have the following minimums:
 - Residential compartments must be at least 12.5 x 13.5 cm
 - Commercial compartments at least 13.5 x 30.5 cm
 - Parcel compartments at least 30.5 x 30.5 cm
 - Vertical lock-box models must have min comp size of 25 x 12.5 cm. (Most models are 40 x 12.7 cm)

Heights

- All lock-box assemblies must be installed in a manner that will not require the delivery employee to reach higher than 170cm or lower than 45cm when delivering to the equipment. With respect to horizontal lock-boxes, the limits above will likely mean that maximum number of compartments that can be included in each column of residential compartments would be eight

Rear-loading Lock-boxes

- Projects with more than 100 units are required to be serviced via a rear-loading lock-box assembly.
- There must be a width of at least 100cm of working space from the back of the boxes to the wall.
- A ledge under the bottom row of boxes is also recommended in rear-loading designs. This ledge is to be directly under the bottom row of boxes (no space between ledge and bottom of boxes) and must stick out at least 20cm from the back of the boxes.
- Mailroom door is required to provide a minimum 81cm opening
- Lighting should be at least 100 lux (measured 75 cm from floor)

<u>Access</u>

- All buildings where the lock-boxes are required to be serviced from inside the building are required to install a Canada Post Crown lock in the building intercom. The intercom is pre-fabricated with an internal housing for the lock. The lock can be obtained from the local deliver supervisor.
- If the building has more than 100 units, a rear-loading lock-box assembly will be installed. The door to the Canada Post delivery area must be fitted with a specific model of deadbolt. This is because Canada Post will supply a key cylinder made specifically for the Canada Post key that will fit inside the deadbolt purchased by the developer.

Numbering

- Compartments should be numbered vertically and left to right on the delivery side of the boxes

101	109	207	
102	1 10	208	□ →
103	201	209	
104	202	210	
105	203	301	+
106	204	302	
107	205	303	
108	206	304	-

Grade-level Components

- If the development includes grade level retail or residential units, please take note that door-to-door delivery will not be provided to these units. Canada Post is happy to install a Community Mailbox to provide service to these units. Please coordinate a location with the Canada Post Delivery Planner for the area. If there is no room on the property for the Community Mailbox, service can be provided via another Community Mailbox in the area. Options to service the units from the tower (lobby) lock-boxes or via a front-loading lock box erected on the outside of the building can also be discussed with the Delivery Planner.

From:	Shane McVitty
То:	Janine Mastronardi
Cc:	Todd Hewitt
Subject:	RE: Notice of Public Meeting for an OPA and ZBA- 51-57 Sandwich St S and a ZBA on E/S Conc 7, Amherstburg
Date:	June 13, 2022 9:29:41 AM

Good Morning,

51-57 Sandwich Street South -

All site servicing issues, including Traffic Impact and Stormwater Management, will be addressed during site plan control.

Part of Lot 81, Conc 7 (7463 Concession 7) – IS has no comments regarding this ZBA.

Thanks,

Shane

Shane McVitty

Drainage Superintendent / Engineering Coordinator Town of Amherstburg 512 Sandwich St. South, Amherstburg, ON, N9V 3R2 Tel: 519-736-3664 x2318 Fax: 519-736-7080 TTY: 519-736-9860



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From: Janine Mastronardi <jmastronardi@amherstburg.ca>

Sent: June 6, 2022 9:47 AM

To: Peter Simmons cpsimmons@amherstburg.ca>; Antonietta Giofu <aGiofu@amherstburg.ca>; Todd Hewitt <thewitt@amherstburg.ca>; Shane McVitty <smcvitty@amherstburg.ca>; Angelo Avolio <aavolio@amherstburg.ca>; Michelle Lavin <mlavin@amherstburg.ca>; Bruce Montone <bmontone@amherstburg.ca>; Ron Meloche <rmeloche@amherstburg.ca>; Dan Monk <dmonk@amherstburg.ca>; 'aclavet@essexpowerlines.ca' <aclavet@essexpowerlines.ca>; 'Bruno Desando (bruno.desando@canadapost.ca)' <bruno.desando@canadapost.ca>; 'planningapps' <planningapps@countyofessex.ca>; 'ERCA Notice & Applications (planning@erca.org)' <planning@erca.org>; 'Barry Horrobin' <bhorrobin@windsorpolice.ca>; 'ONTUGLLandsINQ@uniongas.com' <ONTUGLLandsINQ@uniongas.com>; 'shelley.armstrong@publicboard.ca' <shelley.armstrong@publicboard.ca>; 'seniormanagerfs@wecdsb.on.ca' <seniormanagerfs@wecdsb.on.ca>; Valerie Critchley <vcritchley@amherstburg.ca>; Antonio Marra <amarra@amherstburg.ca>; 'executivevp.lawanddevelopment@opg.com' <executivevp.lawanddevelopment@opg.com> Cc: Melissa Osborne <mosborne@amherstburg.ca>; Chris Aspila <caspila@amherstburg.ca> Subject: Notice of Public Meeting for an OPA and ZBA- 51-57 Sandwich St S and a ZBA on E/S Conc 7, Amherstburg

From:	Ron Meloche
То:	Janine Mastronardi; Peter Simmons; Antonietta Giofu; Todd Hewitt; Shane McVitty; Angelo Avolio; Michelle
	Lavin; Bruce Montone; Dan Monk; "aclavet@essexpowerlines.ca"; "Bruno Desando (bruno.desando@canadapost.ca)"; "planningapps"; "ERCA Notice & Applications (planning@erca.org)"; "Barry
	Horrobin"; "ONTUGLLandsINQ@uniongas.com"; "shelley.armstrong@publicboard.ca";
Cc:	<u>"seniormanagerfs@wecdsb.on.ca"; Valerie Critchley; Antonio Marra;</u> <u>"executivevp.lawanddevelopment@opg.com"</u> Melissa Osborne; Chris Aspila
Subject:	RE: Notice of Public Meeting for an OPA and ZBA- 51-57 Sandwich St S and a ZBA on E/S Conc 7, Amherstburg
Date:	June 6, 2022 1:39:50 PM

Good afternoon Janine, Fire has no objection to ZBA-17-22 (-51-57 Sandwich), or ZBA -10-22 (Conc. 7 S)

Ron Meloche

Deputy Fire Chief Town of Amherstburg 271 Sandwich St. South, Amherstburg, ON, N9V 2A5 Tel: 519-736-6500 x2231 Fax: 519-736-3683 TTY: 519-736-9860



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From: Janine Mastronardi <jmastronardi@amherstburg.ca>

Sent: June 6, 2022 9:47 AM

To: Peter Simmons <psimmons@amherstburg.ca>; Antonietta Giofu <aGiofu@amherstburg.ca>; Todd Hewitt <thewitt@amherstburg.ca>; Shane McVitty <smcvitty@amherstburg.ca>; Angelo Avolio <aavolio@amherstburg.ca>; Michelle Lavin <mlavin@amherstburg.ca>; Bruce Montone <bmontone@amherstburg.ca>; Ron Meloche <rmeloche@amherstburg.ca>; Dan Monk <dmonk@amherstburg.ca>; 'aclavet@essexpowerlines.ca' <aclavet@essexpowerlines.ca>; 'Bruno Desando (bruno.desando@canadapost.ca)' <bruno.desando@canadapost.ca>; 'planningapps' <planningapps@countyofessex.ca>; 'ERCA Notice & Applications (planning@erca.org)' <planning@erca.org>; 'Barry Horrobin' <bhorrobin@windsorpolice.ca>; 'ONTUGLLandsINQ@uniongas.com' <ONTUGLLandsINQ@uniongas.com>; 'shelley.armstrong@publicboard.ca' <shelley.armstrong@publicboard.ca>; 'seniormanagerfs@wecdsb.on.ca' <seniormanagerfs@wecdsb.on.ca>; Valerie Critchley <vcritchley@amherstburg.ca>; Antonio Marra <amarra@amherstburg.ca>; 'executivevp.lawanddevelopment@opg.com' <executivevp.lawanddevelopment@opg.com> Cc: Melissa Osborne <mosborne@amherstburg.ca>; Chris Aspila <caspila@amherstburg.ca> Subject: Notice of Public Meeting for an OPA and ZBA- 51-57 Sandwich St S and a ZBA on E/S Conc 7, Amherstburg

Good morning.

Please find attached for your review and comment a notice of public meeting for a proposed official plan amendment and zoning by-law amendment with associated applications and PJR at 51-57 Sandwich St S.

From:	Horrobin, Barry
To:	Janine Mastronardi
Cc:	<u>Melissa Osborne; Chris Aspila; Lisa Cheney</u>
Subject:	Windsor Police comments: Notice of Public Meeting for an OPA and ZBA- 51-57 Sandwich St S and a ZBA on E/S Conc 7, Amherstburg
Date:	June 10, 2022 3:59:28 PM

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Janine:

I have reviewed the documents you provided pertaining to the two applications for proposed amendments to both the Official Plan and the Zoning By-Law and would advise as follows:

E/S Concession 7 – Zoning By-Law Amendment:

The Windsor Police Service has no concerns or objections to the proposed Zoning By-law amendment being requested, as the outcome from this will not inhibit effective emergency police incident response access and general police patrolling capability to the subject property or surrounding area.

51-57 Sandwich Street South – Official Plan and Zoning By-Law Amendments:

- The Windsor Police Service has no objections to the proposed official plan and Zoning By-law amendment being requested to permit a drive through restaurant and outdoor patio, in conjunction with a multi-unit mixed use residential/commercial building on the subject lands. The site is situate within a growing area of the town in terms of commercial redevelopment and it will be important the site's design will provide for effective emergency police incident response access and general police patrolling capability.
- The introduction of a drive through restaurant operation with additional commercial/residential uses at this busy section of Sandwich Street will likely generate a significant increase in vehicular turning movements onto and off of the property, compared to the previous land use (two single unit residential dwellings). This will place high importance on a final design that results in no sight line obstructions for drivers entering and exiting Sandwich Street, most notably at the exit of the drive through lane.
- To ensure all detailed facets of public safety and security get addressed for the development, we will provide more site-specific remarks during the site plan review phase for the project. This will include examining elements such as safe vehicular access and maneuverability, site lighting, signage and pavement markings, etc.

Respectfully,

From: > Sent: June 6, 2022 12:13 PM To: thowkes@amherstburg.ca Cc: Peter Simmons CAO A'burg <<u>psimmons@amherstburg.ca</u>>; Melissa Osborne <<u>mosborne@amherstburg.ca</u> Subject: Rezoning of 51 and 57 Sandwich street Importance: High

We have recently been given notice of the rezoning of the above property. As you are aware, Mikhail Holdings is very much growth oriented and welcomes all new businesses to our community. We do not wish to stop this development, but only place caution on concerns we are facing at our Sobey's site ... that being stacking issues for drive thru's.

Our site has ample parking fields to control over flow, however, entering and exiting the site has been a major challenge. We will be challenging administration to move the current traffic light now facing the vacant Maria's restaurant to the corner of Sandwich and Fort ... allowing traffic to properly enter and exit. However, this only fixes the Sobey's site and will not fix the issues we see with a drive thru next to 61 Sandwich street, which is residential and force traffic to possible back up and block the Pharmacy and the Sobey entrances and exits.

We are hopping a proper traffic study is conducted before introducing such a high traffic drive thru in a mixed zoning environment. We have no objection whatsoever to the rezoning, but are seriously concerned about allowing a drive thru in such a small site, which is mixed with residential.

Joseph B. Mikhail Mikhail Holdings Ltd. June 23, 2022 Tammy Fowkes Deputy Clerk The Town of Amherstburg

Re: Development proposal for 51 & 57 Sandwich St. S. Amherstburg

Dear Tammy,

Neighbours and I live across from the proposed site for a new Dairy Queen. The developers want to add a drive through to the facility.

We are concerned about potential noise from the drive through speaker system & vehicles idling in the waiting lane.

We would like to be presented with a report dealing with the noise component of the drive through prior to Council approving this currently unknown element. We would like to have input in their ultimate decision once these concerns are addressed.

We are also concerned about the overall appearance of the landscaping features that are proposed. We would encourage the Town to seek more than the minimum landscaping features, particularly to the front of the development in order to blend it with the neighbourhood.

Our hope is that Council will delay implementation of any amendment until such time as there is more information available to us, the residents of the neighbourhood.

Sincerely,

Olwyn Coughlin Phone: **Constant (Constant)** Email: Address:

Neighbour's name (or neighbour can send this separately)

Phone:

Email:

Address:

June 22, 2022

The Deputy Clerk

The Town Of Amherstburg

Re: Proposed Dairy Queen 51/57 Sandwich St S Amherstburg

This letter will confirm my interest in the Official Plan Amendment being sought for the subject property.

I have reviewed the consultant's report and site plan as well as the application & the relief that is requested.

The background to the Official Plan Amendment that requires the Heritage Committee to have input and approval to developments in this section of Sandwich St. was brought about by myself, The Hon. Eugene Whelan & a small group of citizens. Our concern was that commercial development replacing the varied residential & other structures or development upon vacant lots have a softer appearance & lend themselves to creating a "gateway" appearance to the town.

While not specifically required, the Heritage Committee should consider at least one public meeting for input in future applications to develop in this area in order to gain input from residents.

With respect to the proposal as it stands, I have the following comments & concerns:

The site plan shows an envelope for a mixed-use building at the rear of the site. There are no renderings shown for this building. Has this building been reviewed and approved by the Heritage Committee? If not, I would suggest that an agreement be made that the mixed-use building either be removed from the site plan or that the Heritage Committee shall approve its design prior to its construction.

The site plan shows a 4'9" landscape strip separating the development from the street. As said previously, the intent of the Official Plan is to create a "gateway". Doubling the width of the landscaping in front and providing a landscape plan with trees and shrubs would soften the look and thus capture a more ambient feel than a few feet of grass and a parking lot.

The site plan indicates the drive through and ordering equipment, speakers, etc., as well as the vehicle "stacking" lane will be to the north side of the property where it abuts a neighbouring property. The site plan indicates a 6' fence be placed along this area of the property. The design of the fence also becomes a factor. Are there accompanying studies indicating the decibels from the ordering station and further how it can be mitigated with a fence? Are additional landscape features beneficial to noise abatement? If so, are the studies & designs available for review? The fence itself should also be vetted by the Heritage Committee as it is a built feature of the property, and the property is situated in a controlled gateway area. These are the small details that may have gone overlooked. These items go to the critical point of the relief the proponent is seeking, namely, a drive through.

I am hopeful that these items can be addressed to everyone's satisfaction. Feel free to contact me at any point in this process.

Best regards, Varmal

Phil Kasurak

Town of Amherstburg Official Plan & Rezoning Application Subject land: 51 and 57 Sandwich St.S. I wish to express several concerns that I have with the proposed development of the properties outlined. They have been listed below as follows: 1) Both the side as well as the rear of my property will be affected by the development. This will have an effect on my quality of life a I will be subjected to noise in a number of ways. a) Loud speakers for the ordering of take out food is concerning. b) An out door patio can be loud and since fast food restaurants are open late can ascalate this issue c) Vehicles moving and/or idling tend to not only create noise, but also create noxious Jumes from both gasoline and diesel engines d) Vehicles dropping off supplies (many with noisy refridgeration units) Refuge vehicles emptying contains add to noise. 2) These businesses require substantial lighting with high overhead light standards a) This will undoubtingly present unwanted night time glare until late bours of night on my windows & property in general. b) These lights attract numerous insucts eq. may flies, magnites etc. Dying insects create a secondary issue with adour. 3) I feel that this development will create the feeling of being watched all the time (no privacy). I have a 2 storey home with windows on the southern exposure. 4) Traffic conjection 3) As many of you are aware Sandwich St. S. traffic has significantly increased in recent years and I feel that this endeavour my create increased concern for safety. Getting out of resident driveways is becoming more shallenging already

PS L Traffic continued Sandwich St. is the main thoroughfork in our town and was designed many years aga. With the progression of business and residential growth, it is increasingly brooming a traffic issue 5) Increase in litter a) I already get littler on my laws from other fast food chains. having one next door will only add to this problem. 6) Barriers a) I have witnessed barriers put up at other fast food restaurants in town (pretty shabby) and believe that a 6' prossure treated fance will do little to provide privacy and reduce noise. It is not on adequate solution Thank you for your time Sincerely Robert Faitard

Hi Tammy,

Another comment for the Special Planning Meeting at 4pm today.

Thanks,

Chris

Chris Aspila

Manager, Planning Services Town of Amherstburg 3295 Meloche Rd., Amherstburg, ON, N9V 2Y8 Tel: 519-736-5408 x2124 Fax: TTY: 519-736-9860



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From: Meghan Gransden
Sent: June 25, 2022 2:05 PM
To: Chris Aspila <caspila@amherstburg.ca>
Subject: Amendment Change to 51-57 Sandwich St S

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I just heard about the planning proposition and meeting that will be occurring Monday June 27th for this issue. I am recuperating from surgery and may not be able to physically attend - am I able to email my thoughts on this issue in? If so, here is my comment:

My name is Meghan Sears, and I live on Sandwich St South. I vehemently disagree and oppose the idea of having a drive through restaurant placed on the aforementiones properties and changing their zoning. I feel this would be a poor deciaion, and am opposed to it

occurring. Thank you, Meghan

Sent from my Galaxy