

September 30, 1994

Ms. Heather Brown, Clerk, Village of Neustadt

Ms Janice McDonald, Director, County of Grey  
Planning Department

Mr. John Longworth, Chief, Approvals and Planning  
Ministry of the Environment and Energy

Mr. J. Manicom, General Manager  
Grey Sauble Conservation Authority

Mr. R. Tippet, District Manager, Owen Sound District  
Ministry of Natural Resources

Dear Sir/Madam:

**Notice of Draft Approval**

Municipality: Village of Neustadt

Location: Part of Lots 1 and 2, Con. 13

Owner: Paul Gutzke


File: 42T-91011

This draft plan has been approved today. Attached is a copy of the Minister's conditions of approval.

Please inform this Branch when the Owner/Applicant has met the conditions which must be arranged directly with you. This is necessary before the final plan can be approved for registration.

Also required is a brief but complete statement explaining how each condition with which you are concerned has been satisfied.

Yours truly,



Patricia Boeckner  
Manager  
Plans Administration Branch  
Central and Southwest

Attachment

File No.: 42T-91011

Applicant: Paul Gutzke

Date: 23 September 1994

The Minister's conditions and amendments to final plan approval for registration of this subdivision, file no. 42T-91011, are as follows:

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No.    Conditions

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1.    That this approval applies to the draft plan Project No. 4285, prepared by George A. Davis and Associates Ltd., dated December 2, 1991, revised on September 5, 1994 to show a total of 44 single detached residential lots and 2 open space blocks (Blocks 45 & 46).
2.    That the road allowances included in this draft plan shall be shown and dedicated as public highways.
3.    That the streets shall be named to the satisfaction of the Village of Neustadt.
4.    That any dead ends and open sides of road allowance(s) created by this draft plan shall be terminated in 0.3 metre reserves to be conveyed to, and held in trust, by the municipality.
5.    That the owner shall convey up to 5% of the land included in the plan to the municipality for park purposes. Alternatively, the municipality may accept cash-in-lieu of all or a portion of the conveyance.
6.    That prior to final approval by the Ministry, we are to be advised by the Village of Neustadt that appropriate zoning is in effect for this proposed subdivision.
7.    That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the Village of Neustadt concerning provision of roads, installation of services and drainage.
8.    That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
9.    That the subdivision agreement between the owner and the municipality contain phasing arrangements to the satisfaction of the municipality.

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10. That the subdivision agreement between the owner and the municipality be registered against the lands to which it applies once the plan of subdivision has been registered.
11. That prior to final approval the Ministry of Natural Resources requests the following:
  - a. that development along the top of the bank be setback 30 metres from the edge of Meux Creek or 9 metres from the top of the slope, whichever is greater;
  - b. that rear lots numbered 39 to 44 be appropriately zoned to prevent development below the top of the slope.
  - c. a storm water management plan be prepared which will investigate opportunities for controlling storm water and erosion during and after construction. The storm water management plan will investigate opportunities for controlling storm water at or near the source; through the use of appropriate storm water best management practices.
12. That prior to final approval by the Ministry the Saugeen Valley Conservation Authority requests the following items to be incorporated into the zoning for the site:
  - a. the by-law contain detailed information (provided by George Davis & Associates' letter dated March 29, 1994 and plan dated 9 May 1994) to accurately delineate the location of the zone line between residential and hazard zones;
  - b. no buildings or structures, including open decks, attached or detached, with or without foundations, swimming pools and other accessory buildings or structures having a ground cover area of greater than 10 m<sup>2</sup>, shall be permitted within the implementing "Hazard" zone;
  - c. non-habitable and moveable buildings and structures having a ground cover area of 10 m<sup>2</sup> or less may be permitted within the implementing "Hazard" zone, provided it is within three (3) metres of the abutting implementing "Residential" zone. This distance shall be measured perpendicular from the identified residential zone line.

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13. The total setback line and the building envelopes on Lots 38 to 44 on the final plan shall be established to the satisfaction of the Saugeen Valley Conservation Authority.
14. That prior to final approval and before commencing any additional grading and construction, the developer shall submit for the Saugeen Valley Conservation Authority and Ministry of Environment and Energy, for approval, a Surface Water Management Report and Lot Grading Plan prepared by a qualified engineer which will include, but not be limited to, the following:
  - a. all proposed final grades throughout the subdivision showing elevations for lot corners and centre line of streets;
  - b. the means whereby surface water drainage will be accommodated and the means whereby erosion and siltation will be contained and minimized during and after the construction period.
15. That the subdivision agreement between the owner and the municipality contain the following provisions with wording acceptable to the Saugeen Valley Conservation Authority:
  - a. to follow all recommendations contained in the Geotechnical Report, the Surface Water Management Report and Lot Grading Plans to the satisfaction of the SVCA;
  - b. to include a covenant on title for Lots 38 to 44 inclusive which will require the lot owners to abide by the recommendation in the Geotechnical Report and not alter the slope adjacent to Meux Creek;
  - c. to erect snow fencing or another suitable barrier along the top of the slope for Lots 38 to 44 inclusive, prior to initiating any further infilling, grading, removing of vegetation or construction on the site to prevent additional dumping of fill. This barrier shall remain in place until all grading and construction on abutting lots has been completed to the satisfaction of the SVCA.
16. That prior to final approval by the Ministry, we are to be advised in writing by the Ministry of Natural Resources, how condition 11 has been satisfied.

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17. That prior to final approval by the Ministry, we are to be advised in writing by the Saugeen Valley Conservation Authority, how conditions 6, 12, 13, 14 and 15 have been satisfied.
18. That prior to final approval by the Ministry, we are to be advised in writing by the Village of Neustadt, how conditions 2 to 10 have been satisfied.
19. That prior to final approval by the Ministry, we are to be advised in writing by the Ministry of Environment and Energy how condition 14 has been satisfied.

Notes to Draft Approval

1. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Ministry of Municipal Affairs, Plans Administration Branch, quoting the Ministry File No. 42T-91011.
2. We suggest you make yourself aware of the following subsections of the Land Titles Act:
  - a) subsection 143(1) requires all new plans to be registered in a Land Titles system if the land is situated in a land titles division;
  - b) subsection 143(2) allows certain exceptions.
3. It is suggested that the municipality register the subdivision agreement as provided by subsection 51(6) of the Planning Act 1990 R.S.O. against the land to which it applies, as notice to prospective purchasers.
4. Clearance is required from the following agencies:

Village of Neustadt  
P.O. Box 66  
449 Mill Street  
Neustadt, Ontario  
N0G 2M0

Ministry of Natural Resources  
611 Ninth Avenue East  
Owen Sound, Ontario  
N4K 3E4

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Saugeen Valley Conservation Authority  
R.R. #1  
Hanover, Ontario  
N4N 3B8

Ministry of Environment and Energy  
Southwestern Region  
985 Adelaide Street South  
London, Ontario  
N6E 1V3

5. Ontario Hydro wishes to advise you of the following:
  - i) The costs of any relocations or revisions to Ontario Hydro facilities which are necessary to accommodate this subdivision will be borne by the developer.
  - ii) Any easement rights of Ontario Hydro are to be respected.
  - iii) The developer should contact the local Ontario Hydro Area Office to verify if any low voltage distribution lines may be affected by the proposal.
6. A permit from the Saugeen Valley Conservation Authority is required prior to the commencement of any building, filling, lot grading or alteration to Meux Creek for the regulated portion of the property, in accordance with Revised Regulation of Ontario #169/90, as amended, made under the Conservation Authorities Act.
7. The SVCA may not be willing to approve a detention pond in Block 45, given its location within the floodplain. In addition, this agency is aware of existing drainage problems in the vicinity of Lot 29. As such, the Surface Water Management Report should make provisions for drainage in the area down slope of Lot 29.
8. All measurements in subdivision final plans must be presented in metric units.
9. When the Zoning By-law required in condition #6 is being prepared, reference to this subdivision application T-file number should be included in the explanatory note. This will expedite the Plans Administration Branch's and other agencies' consideration of the By-law.
10. For your information, easements required for utility or drainage purposes should be granted to the appropriate authority.

11. The applicant should appreciate that the Ministry of Environment and Energy's review of this application did not include testing for soil contamination, soil gases or any other subsurface conditions that might affect the viability or suitability of the site for the intended use. If the applicant requires assurance with respect to any or all of the foregoing, it should engage qualified professionals to conduct the site investigations.
12. If during the course of developing this property, waste material is discovered, the Ministry of the Environment and Energy should be notified immediately since a further approval pursuant to Section 46 of the Environmental Protection Act (R.S.O. 1990) may be required from the Minister of the Environment and Energy.

Registration:

13. The final plan approved by the Minister must be registered within (30) thirty days or the Minister may withdraw his approval under section 51(21) of the Planning Act 1990.