

**Development & Heritage Standing Committee Meeting**

Date: Tuesday, October 13, 2020

Time: 4:30 o'clock p.m.

**Members Present:**

**Councillors**

Ward 3 - Councillor Bortolin (Chairperson)

Ward 4 - Councillor Holt

Ward 5 - Councillor Sleiman

Ward 7 - Vacant

Ward 10 - Councillor Morrison

**Members**

Member Baker

Member Bulmer

Member Foot

Member Fratangeli

Member Gyemi

Member Moore

Member Rondot

**Members Regrets**

Member Miller

Clerk's Note: Members participated via video conference, in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation during a declared emergency.

**ALSO PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:**

Shelby Askin Hager, City Solicitor

Thom Hunt, City Planner

Wira Vendrasco, Deputy City Solicitor

Heidi Baillargeon, Manager of Parks Development

Michael Cooke, Manager of Planning Policy / Deputy City Planner

Neil Robertson, Manager of Urban Design / Deputy City Planner

Rob Vani, Manager of Inspections / Deputy Chief Building Official

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Jeff Hagan, Transportation Planning Senior Engineer  
Patrick Winters, Development Engineer  
George Robinson, Planner II – Revitalization & Policy Initiatives  
Greg Atkinson, Planner III – Economic Development  
Justina Nwaesei, Planner III – Subdivisions  
Adam Szymczak, Planner III – Zoning  
Kristina Tang, Heritage Planner  
Sandra Gebauer, Council Assistant  
Anna Ciacelli, Supervisor of Council Services

### Delegations—participating via video conference

|           |                                       |
|-----------|---------------------------------------|
| Item 7.1  | Tracey Pillon Abbs, Planner           |
| Item 7.1  | Vijay Vasantgadkar, Architect         |
| Item 7.1  | Dr. Bhan Garg, Owner                  |
| Item 7.2  | Jason Baker, Baker Investments        |
| Item 7.2  | Stephen Berill, ADA Architects        |
| Item 7.3  | Mark McCloskey, McCloskey Engineering |
| Item 7.3  | Roger DenBoer, Area Resident          |
| Item 7.3  | Tiziano Zaghi, Planning Consultant    |
| Item 7.3  | Abdul Habib, Property Owner           |
| Item 7.4  | John Scherer, Area Resident           |
| Item 7.4  | Toni Muzzin Probe, Area Resident      |
| Item 7.4  | Stephen Berill, ADA Architects        |
| Item 10.1 | Allan Djordjevic, Applicant           |
| Item 10.1 | Sheila Wisdom, Area Resident          |
| Item 10.1 | Helen Martin, Area Resident           |
| Item 10.1 | Mike Cardinal, Area Resident          |
| Item 11.1 | Eddie Kadri, Property Owner           |

### 1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:33 o'clock p.m.

### 2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

### 3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

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## 4. COMMUNICATIONS

None presented.

## 8. ADOPTION OF THE MINUTES

### 8.1. Adoption of the Development & Heritage Standing Committee minutes of its meeting held September 21, 2020

Moved by: Member Baker

Seconded by: Member Fratangeli

THAT the minutes of the Development & Heritage Standing Committee meeting held September 21, 2020 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 279/2020

Clerk's File: MB2020

## 9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

See Items 10.1 and 11.1.

## 10. HERITAGE ACT MATTERS

### 10.1. 436 Askin Avenue - Partial Demolition of a Heritage Listed Property (Ward 2)

#### Allan Djordjevic, Applicant

Allan Djordjevic, Applicant, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "436 Askin Avenue - Partial Demolition of a Heritage Listed Property (Ward 2)" and is available for questions.

#### Sheila Wisdom, Area Resident

Sheila Wisdom, Area Resident, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "436 Askin Avenue - Partial Demolition of a Heritage Listed Property (Ward 2)" and provides the following concerns and comments:

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- 
- Objects to the stated purpose of the demolition, which is to allow for the creation of a duplex on this site.
  - The neighbourhood is mixed use with zoning ranging from institutional to commercial to mixed use residential comprised of a combination of families and students.
  - The end result of this application, which is the construction of another building on the property, undermines the goal of heritage recognition and preservation.
  - It is also out-of-sync with the goals of the Official Plan to develop safe, caring, and diverse neighbourhoods.
  - Expresses concern that there is often a strong sewer smell on Askin coming from the sewer grates and wonders what the capacity of the sewers will be to handle the increase not only from this building but also from others that could follow before the city can do infrastructure improvements.
  - The block has permit parking and with the number of cars, where will all of the extra tenants park their cars.
  - Concerned with fire safety access to a building at the rear of a property as the alley has been closed and blocks access to emergency vehicles.
  - On July 13, 2020, City Council passed an Interim Control By-law to prohibit all group homes, lodging houses, and any dwelling with five or more dwelling units to allow Council to review and if deemed appropriate to implement the findings of a study. (This was amended on August 24, 2020 to allow four or more units.)
  - The building at 436 Askin could probably accommodate up to six persons. The new building would accommodate at least four for a total of ten.
  - Requests that the city consider making Askin Avenue from Riverside to Wyandotte a Heritage Conservation District.

### Helen Martin, Area Resident

Helen Martin, Area Resident, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report “436 Askin Avenue - Partial Demolition of a Heritage Listed Property (Ward 2)” and indicates that she has been a resident of Askin Avenue for thirty years and lives next door to 436 Askin. Ms. Martin expresses concern that a lot of history in the neighbourhood was lost with the closure of Sunset and Patricia Streets and adds that Askin is one of the last areas with prestigious, historic properties in the neighbourhood. Ms. Martin adds that family homes are now lodging homes and the landlord does not reside in these homes. Ms. Martin also expresses concern with the sewer capacity and infrastructure.

### Mike Cardinal, Area Resident

Mike Cardinal, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report “436 Askin Avenue - Partial Demolition of a Heritage Listed Property (Ward 2)” and provides the following comments and concerns:

- He has been a resident on Askin for twenty years.
- This whole stretch of Askin has quality architecture and the homes have been well maintained.

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- Some of the larger homes have become student houses with a large number of students residing in them.
- There is an opportunity for Windsor to have a “west end Prado Boulevard” on Askin. Prado Street deserved that protection as does Askin.
- The problem with 436 Askin is the double-duplexing to the rear.
- The addition being proposed is much larger than the current house and takes up almost the entire backyard. (The parking would have to be added off the closed alley.)
- This kind of intensification belongs on the main arteries, not on small residential streets that are very narrow with parked cars.
- The proposed development is nothing short of a lodging house, which at one time required a license.

Councillor Holt inquires as to setbacks and whether this will be coming back to Council for any other reason besides this heritage alteration permit. George Robinson, Planner II – Revitalization & Policy Initiatives, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report “436 Askin Avenue - Partial Demolition of a Heritage Listed Property (Ward 2)” and indicates that parcels currently zoned RD2.1 have permitted uses that include a duplex, semi-detached dwelling, and single unit dwelling. Mr. Robinson explains that the applicant is proposing to convert the existing single unit dwelling to a semi-detached dwelling. Mr. Robinson indicates that a preliminary review by the department is done, and it indicates that the plans as presented do meet the provisions in this zone and semi-detached dwelling as a permitted use. Mr. Robinson adds that in lieu of any amendments to the applicant’s plans, this application would not come back to this Committee or the Committee of Adjustment for any further *Planning Act* approvals.

Member Baker indicates that she stopped by 436 Askin last week and remarks that it is a lovely home in a lovely neighbourhood. She also noticed the smell from the sewers and that there is residential parking. Ms. Baker inquires whether the Planning Department is consulted prior to bringing this to this Committee as there are red flags. Mr. Robinson responds that whenever they receive an initial submission such as this, it is reviewed by the Zoning Coordinator, as well as other development oriented staff members in their department, and adds that the issues that address servicing would come through at the building permit stage. Patrick Winters, Development Engineer, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report “436 Askin Avenue - Partial Demolition of a Heritage Listed Property (Ward 2)” and indicates that existing properties are serviced, and system wide intensification does have an effect on the system eventually. Member Baker advises that she would support moving to designate the house and to create a Heritage Conservation District (HCD) for the area.

Member Foot indicates that the issue should be dealt with from Council’s point of view as far as the re-use of the land goes, as it goes beyond the heritage provisions of the back porch.

Councillor Bortolin inquires as to the Heritage Conservation District and what the process is if that is triggered today. Kristina Tang, Heritage Planner, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report “436 Askin Avenue - Partial Demolition of a Heritage Listed Property (Ward 2)” and indicates the process

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would begin with Council's decision to initiate a Heritage Conservation District (HCD) area study, followed by public consultation and looking at the merits of a Heritage Conservation District as well as determining boundaries.

Councillor Bortolin inquires as to whether this application would have come forward if the area was designated as an HCD, or would the application automatically be denied as an HCD. Ms. Tang indicates that there are provisions within the *Heritage Act* for the initiation of an Interim Control By-law alongside the initiation of an HCD study area. Ms. Tang adds that there are some restrictions to its use so it cannot be used in tandem with the existing Interim Control Bylaw. Ms. Tang indicates that in this case, if you want to halt an application for 436 Askin, some interim control by-law power would have to be enacted.

Councillor Holt inquires as to when something is listed on the Heritage Registry, is it only the structure itself or the entire property and what was the original justification for listing this property on the Heritage Registry. Ms. Tang indicates that the Heritage Register listings are usually for the property and adds that, regarding the powers of the Committee in terms of reviewing the Notice of Intention to remove or demolish buildings or structures so that they are specific to the physical structures, there is no status or authority to regulate any of that design aspect. For example, there are comments about the addition being larger than the existing house; however, there is no authority given by the *Ontario Heritage Act* to regulate the size of the addition.

Councillor Holt inquires whether this Committee could take into account the scaling of the property as a whole when a decision is made to allow for an alteration permit which might inextricably change the entire feeling of the property. Ms. Tang indicates that the *Ontario Heritage Act* does not give powers to regulate alterations for heritage listed properties; these powers are given for designated properties. The only options are to receive the Notice of Intention to demolish or to initiate a Notice of Intention to designate.

Councillor Holt inquires that if this Committee chose to move to designate the actual property, does that designation protect the entire property, which would include the property around it, the relationship to the neighbours, and the access to the alley. Ms. Tang indicates that the designation would specify the property boundaries.

Moved by: Councillor Holt

Seconded by: Member Baker

Decision Number: **DHSC 207**

THAT the report of the Planner II Revitalization & Policy Initiatives and Heritage Planner dated September 25, 2020, entitled "436 Askin Avenue-Partial Demolition of a Heritage Listed Property" **BE RECEIVED**; and,

THAT Administration **BE REQUESTED** to give notice of intention to designate the property located at 436 Askin Ave in accordance with Part IV of the *Ontario Heritage Act*, and,

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THAT Administration **REPORT BACK** to Council regarding initiation of a Heritage Conservation District for this area; and, that the report include suggestions related to boundaries that may be considered.

Carried.

Report Number: S 53/2020

Clerk's File: MBA2020

There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act Matters*) portion is adjourned at 5:21 o'clock p.m.

The Chairperson calls the *Planning Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 5:21 o'clock p.m.

### 5. ADOPTION OF THE *PLANNING ACT* MINUTES

#### 5.1. Minutes of the September 21, 2020 Development and Heritage Standing Committee meeting (*Planning Act Matters*)

Moved by: Member Gyemi

Seconded by: Councillor Sleiman

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held September 21, 2020 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 288/2020

Clerk's File: MB2020

### 6. PRESENTATION DELEGATIONS (*PLANNING ACT MATTERS*)

See Items 7.1, 7.2, 7.3, and 7.4.

### 7. *PLANNING ACT MATTERS*

#### 7.1. Zoning By-law Amendment Application for 0 Hawthorne Dr., N/E CNR of Hawthorne Dr. and Enterprise Way intersection; Applicant: 2356976 Ontario Inc.; File No. Z-010/20, ZNG/6072; Ward 8

Moved by: Councillor Holt

Seconded by: Member Rondot

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Decision Number: **DHSC 203**

- I. THAT the parcel described as Part of Block A, Registered Plan 1644, and designated as Part 2 on Reference Plan 12R-26956, situated on the northeast corner of Hawthorne Drive and Enterprise Way, **BE EXEMPT** from the provisions of Interim Control By-law 103/2020 and that further, Interim Control By-law 103/2020 **BE AMENDED** by adding to Section 5 the following paragraph:

- **Northeast Corner of Hawthorne Drive and Enterprise Way**  
Part 2, Plan 12R-26956; PIN 01379-0444; Roll No. 070-670-57502;

- II. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of the land located on the northeast corner of Hawthorne Drive and Enterprise Way, described as Part of Block A, Registered Plan 1644, and designated as Part 2 on Reference Plan 12R26956, from Manufacturing District 1.2 (MD1.2) to Residential District 3.2 (RD3.2) in Zoning By-law 8600; subject to the following site specific zoning provision:

**“398. Northeast Corner of Hawthorne Drive & Enterprise Way**

For the lands comprising Part of Block A, Registered Plan 1644, designated as Part 2 on Reference Plan 12R26956, the maximum building height provision in section 20(1)97(iv) of By-law 8600, shall not apply to a multiple dwelling on the subject land. [ZDM 15; ZNG/6072]”

- III. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following in the site plan approval and the site plan agreement:
- (a) Noise warning clause(s) and other noise abatement measures identified in the Noise Study dated December 19, 2019 and Revised September 21, 2020, prepared by Akoustic Engineering Limited; and,
  - (b) The requirements and recommendations of municipal departments and agencies as noted in this report and detailed in Appendix D attached; and,
  - (c) That the maximum number of parking spaces shall not exceed the required minimum number of parking spaces.

Carried.

Report Number: S 134/2020  
Clerk's File: ZB/13837

## **7.2. Rezoning - Baker Investments Ltd. – 8380-8474 Wyandotte Street East - Z-014/20 ZNG/6122 - Ward 6**

Moved by: Councillor Holt  
Seconded by: Member Gyemi

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## Development & Heritage Standing Committee Tuesday, October 13, 2020

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Decision Number: **DHSC 204**

1. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Block A, Registered Plan 1627 (8380-8474 Wyandotte Street East; Roll No.: 060-330-00300; PIN 01066-0242), located on the north side of Wyandotte Street East between Watson Avenue and Isack Drive, by adding a site specific provision to Section 20(1) as follows:

396. **NORTH SIDE OF WYANDOTTE STREET EAST BETWEEN WATSON AVENUE AND ISACK DRIVE**

For the lands comprising Part of Block A, Registered Plan 1627, a *Lodging House, Multiple Dwelling, Religious Residence, and Residential Care Facility* shall be additional permitted uses and the provisions of Section 12.2.5 shall apply to the additional permitted uses.

[ZDM 14; ZNG/6122]

2. THAT the Site Plan Approval Officer **BE DIRECTED** to consider, but not limited to:

a) The comments from Office of the City Engineer - Engineering Department – Right-of-Way Division, dated August 25, 2020, regarding Site Servicing Plans, Servicing Study, Reciprocal Access and Services, and Land Conveyance.

b) The comments from Canada Post Corporation, dated August 14, 2020, regarding Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility at their own expense.

3. THAT that portion of 8380-8474 Wyandotte Street East subject to rezoning Z-014/20 ZNG/6122 **BE EXEMPT** from Interim Control By-law 103-2020.

Carried.

Councillor Morrison was absent from the meeting when the vote was taken on this matter.

Report Number: S 124/2020

Clerk's File: ZB/13898

### **7.3. Interim Control By-law Exemption 2020-11 - Airport Business Park Inc - 4325-4445 County Road 42 - Ward 9**

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 205**

1) THAT Council **APPROVE** the request of D.C. McCloskey Engineering Ltd. for an exemption from the provisions of Interim Control By-law 78-2019 for the property at 4325-4445 County Road 42 (southwest corner of County Road 42 and 8<sup>th</sup> Concession Road).

2) THAT Council **AMEND** Interim Control By-law 78-2019 by adding to Section 6 the following:

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k) 4325-4445 County Road 42

Part Lot 17, Concession 7, Sandwich East;  
PIN 75235-0032; Roll No. 090-010-04950

3) THAT the Site Plan Approval Officer **BE DIRECTED** to consider the following matters for inclusion in an approved site plan:

a) The mitigation measures identified in the conclusion of the Acoustical Assessment Report dated August 5, 2020 and prepared by Akoustic Engineering Limited (attached as Appendix D to Report S 130/2020); and,

b) A setback of 11.3 m from the lot line adjacent to Baseline Road, which shall include a berm with a minimum height of 1.8 m.

Carried.

Councillor Morrison was absent from the meeting when the vote was taken on this matter.

Report Number: S 130/2020  
Clerk's File: Z/13528

### 7.4. Zoning By-law Amendment - 1521 Pierre Avenue - Lester Group - 2016-20 [ZNG-6127] - Ward 4

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 206**

THAT the Zoning By-law 8600 amendment request regarding Lot 82, Plan 889; now designated as Part 2 on Reference Plan 12R28270, located on the west side of Pierre Avenue, south of Shepherd Street East (shown as the subject lands on Appendix D to Report S117/2020), from Residential RD 1.3 to RD 2.2 **BE DENIED**.

Carried.

Councillor Morrison was absent from the meeting when the vote was taken on this matter.

Report Number: S 117/2020  
Clerk's File: ZB/13897

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 7:25 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 7:25 o'clock p.m.

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### 11. ADMINISTRATIVE ITEMS

#### 11.1. Economic Revitalization Community Improvement Plan (CIP) application submitted by Kadri Family Holdings Ltd. for 1567 Ouellette Avenue (Ward 3)

##### Eddie Kadri, Property Owner

Eddie Kadri, Property Owner, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report “Economic Revitalization Community Improvement Plan (CIP) application submitted by Kadri Family Holdings Ltd. for 1567 Ouellette Avenue (Ward 3)” and is available for questions.

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 208**

- I. THAT the request made by Kadri Family Holdings Ltd. to participate in the Small Business Investment Grant Program **BE APPROVED** for the portion of the municipal tax increment resulting from the proposed development of a business incubator located at 1567 Ouellette Avenue for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization Community Improvement Plan; and,
- II. THAT the grant payments:
  - a. **BE CALCULATED** based on the percentage of gross floor area within the building that is allocated to the business incubator use (i.e. estimated to be 50% based on the CIP application); or,
  - b. **BE CANCELLED** and approval to participate in the Small Business Investment Grant Program **BE RESCINDED** if the percentage of gross floor area within the building that is allocated to the business incubator use falls below 25%; and,
- III. THAT Administration **BE DIRECTED** to prepare an agreement between the City and Kadri Family Holdings Ltd. and/or persons or companies that have legally been assigned the right to receive grant payments to implement the Small Business Investment Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Economic Revitalization Community Improvement Plan to the satisfaction of the City Planner for content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications; and,
- IV. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Small Business Investment Grant Agreement; and,
- V. THAT the approval to participate in the Small Business Investment Grant Program **EXPIRE** if

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the grant agreement is not signed by applicant within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

Carried.

Councillor Morrison was absent from the meeting when the vote was taken on this matter.

Report Number: S 112/2020

Clerk's File: SPL/10759

### 11.2. Economic Revitalization Community Improvement Plan (CIP) application submitted by St. Clair-Rhodes Development Corp. for 3355 Munich Court (Ward 9)

Moved by: Councillor Sleiman

Seconded by: Councillor Holt

Decision Number: **DHSC 209**

- I. THAT the request made by Active Claims Management (2018) Inc. on behalf of property owner St. Clair-Rhodes Development Corp. to participate in the Business Retention and Expansion Grant Program **BE APPROVED** for the portion of the municipal tax increment resulting from the proposed development of eligible uses (i.e. Computer Software Developer, Corporate Office, and Canadian Head Office) located at 3355 Munich Court for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization Community Improvement Plan; and,
- II. THAT the grant payments:
  - a. **BE CALCULATED** based on the percentage of gross floor area within the building that is allocated to the eligible uses (i.e. estimate to be 35% based on the CIP application); or,
  - b. **BE CANCELLED** and approval to participate in the Business Retention and Expansion Grant Program **BE RESCINDED** if the number of employees associated with eligible uses falls below 35; and,
- III. THAT Administration **BE DIRECTED** to prepare an agreement between the City, Active Claims Management (2018) Inc., St. Clair-Rhodes Development Corp., and/or persons or companies that have legally been assigned the right to receive grant payments to implement the Business Retention and Expansion Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Economic Revitalization Community Improvement Plan to the satisfaction of the City Planner for content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications; and,
- IV. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Business Retention and Expansion Grant Agreement; and,
- V. THAT the approval to participate in the Business Retention and Expansion Grant Program

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**EXPIRE** if the grant agreement is not signed by applicant and owner within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

Carried.

Councillor Morrison was absent from the meeting when the vote was taken on this matter.

Report Number: S 129/2020  
Clerk's File: SPL/10759

### 12. COMMITTEE MATTERS

None presented.

### 13. QUESTION PERIOD

None registered.

### 14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Matters) is adjourned at 7:27 o'clock p.m.

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Ward 3 - Councillor Bortolin  
(Chairperson)

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Supervisor of Council Services

**Development & Heritage Standing Committee  
(Planning Act Matters)**

**Date: Monday, October 13, 2020  
Time: 4:30 pm**

**MEMBERS PRESENT:**

**Councillors:**

Ward 3 - Councillor Bortolin (Chairperson)  
Ward 4 - Councillor Holt  
Ward 5 - Councillor Sleiman  
Ward 7 - Vacant  
Ward 10 - Councillor Morrison

**Members:**

Member Gyemi  
Member Moore  
Member Rondot

Clerk's Note: Members participated via video conference, in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation during a declared emergency.

**ALSO PRESENT VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:**

Shelby Askin-Hager, City Solicitor  
Wira Vendrasco, Deputy City Solicitor  
Thom Hunt, City Planner/Executive Director  
Heidi Bailargeon, Manager of Parks Development  
Michael Cooke, Manager of Planning Policy/Deputy City Planner  
Neil Robertson, Manager of Urban Design/Deputy City Planner  
Rob Vani, Manager of Inspections/Deputy Chief Building Official  
Jeff Hagan, Transportation Planning Senior Engineer  
Patrick Winters, Development Engineer  
George Robinson, Planner II – Revitalization & Policy Initiatives  
Greg Atkinson, Planner III – Economic Development  
Justina Nwaesei, Planner III – Subdivisions  
Adam Szymczak, Planner III – Zoning  
Kristina Tang, Heritage Planner  
Sandra Gebauer, Council Assistant  
Anna Ciacelli, Supervisor Council Services

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### Delegations – participating via video conference:

|          |                                       |
|----------|---------------------------------------|
| Item 7.1 | Tracey Pillon-Abbs, Planner           |
| Item 7.1 | Vijay Vasantgadkar, Architect         |
| Item 7.1 | Dr. Bhan Garg, Owner                  |
| Item 7.2 | Jason Baker, Baker Investments        |
| Item 7.2 | Stephen Berill, ADA Architects        |
| Item 7.3 | Mark McCloskey, McCloskey Engineering |
| Item 7.3 | Roger DenBoer, Area Resident          |
| Item 7.3 | Tiziano Zaghi, Planning Consultant    |
| Item 7.3 | Abdul Habib, Property Owner           |
| Item 7.4 | John Scherer, Area Resident           |
| Item 7.4 | Toni Muzzin Probe, Area Resident      |
| Item 7.4 | Stephen Berril, ADA Architects        |

### 1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:33 pm.

### 2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None

### 3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None

### 4. COMMUNICATIONS

None

### 5. ADOPTION OF THE PLANNING ACT MINUTES

#### 5.1 Minutes of the Development & Heritage Standing Committee (*Planning Act Matters*) minutes held September 21, 2020.

Moved by: Member Gyemi

Seconded by: Councillor Sleiman

# MINUTES

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THAT the Minutes of the Development & Heritage Standing Committee meeting (*Planning Act Matters*) meeting held September 21, 2020 **BE ADOPTED** as presented.

CARRIED, UNANIMOUSLY.

Report Number: SCM 288/2020  
Clerk's File: MB2020

### 6. PRESENTATION & DELEGATIONS (*PLANNING ACT MATTERS*)

See Items 7.1, 7.2, 7.3 and 7.4.

### 7. PLANNING ACT MATTERS

#### 7.1 Z-010/20 [ZNG/6072] – 2356976 Ontario Inc N/E Corner of Hawthorne Dr & Enterprise Way – Rezoning Ward 8

Justina Nwaesei (author), Planner III – SubDivisions

Ms. Nwaesei gives a PowerPoint presentation of the report.

Ms. Tracey Pillon-Abbs (Planner), Mr. Vijay Vasantgadkar (Architect) and Dr. Bhan Garg (Owner) are available are in agreement with the recommendations and are available for questions.

Member Gyemi inquires about the landscaping at the centre of the property. Whether it's there to maintain the trees that currently exist? Ms. Pillon-Abbs starts by explaining due to the set-up of the design, they didn't want to have the parking lot as the central focus. The landscaping provides a type of buffer.

Member Rondot inquires as to whether there is a reason the applicant is going 32 spaces over the required number of parking spots? Ms. Pillon-Abbs responds advising that, although rare, they area provided additional space to be able to take advantage of and provide the extra space for visitor parking.

Councillor Holt to Ms. Pillon-Abbs, inquires whether the applicant would be amenable if the Committee requested to limit the number of additional spaces to the development so not to overpave the site? Ms. Pillon-Abbs responds advising the development is subject to Site Plan Control at which time that will be addressed. The applicant will be asking for a land use change at this time as part of the Zoning By-law Amendment. But will consider limiting spaces at the time of Site Plan Control. Ms. Pillon-Abbs then passes to Dr. Garg for further comment, if he desired. Dr. Garg advises he isn't opposed to limiting the additional parking spaces and replacing with landscaping, if that is what the City wishes.

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Member Gyemi to Administration, regarding adjacent Industrial lands, space is being taken away from potential Industrial development. Is there anything in the PPS, as there is for residential, to address this for Industrial lands? Ms Nwaesei advises the subject land is not designated as Industrial but Mixed Use, therefore, there is no loss of Industrial lands for this area.

Councillor Holt inquires as to what powers the Committee or Council have in minimizing hard surface paving? Ms. Nwaesei advises the Committee has the right to limit or minimize land surface paving and it also falls in line with Climate Change initiatives to do so. The limit can be added to the Recommendations for Site Plan Committee to refer to as the Design Guideline.

Councillor Holt inquires about a report coming to Council which limits the number of required parking spaces and where does that report stand at this point in regards to paving a site excessively, such as this one? Ms. Nwaesei advises she is not aware of such a report nor is she part of the process of authoring said report. Mr. Hunt advises there is a comprehensive look being taken regarding required parking, at which time it will come back to the Committee outlying the entire work by the department. Mr. Hunt advises it may be coming to the next Standing Committee meeting. The Chair also adds to the questions inquiring whether there's a filter during the Site Plan Process where Administration would say there is too much parking or develop green space to mitigate the extra run off? Mr. Hunt advises that Public Works is consulted during the Site Plan Approval process and do have an input into development. Mr. Hunt goes into great detail as to how required parking is determined, based on area, need, and environment. The Chair asks if there are any Municipalities that have a maximum limit. Mr. Hunt advises there are some Urban areas that have a maximum limit.

Moved by: Councillor Holt

Seconded by: Member Rondot

Decision Number: **DHSC 203**

### RECOMMENDATIONS

- I. THAT the parcel described as Part of Block A, Registered Plan 1644, and designated as Part 2 on Reference Plan 12R-26956, situated on the northeast corner of Hawthorne Drive and Enterprise Way, **BE EXEMPT** from the provisions of Interim Control By-law 103/2020 and that further, Interim Control By-law 103/2020 **BE AMENDED** by adding to Section 5 the following paragraph:
  - **Northeast Corner of Hawthorne Drive and Enterprise Way**  
Part 2, Plan 12R-26956; PIN 01379-0444; Roll No. 070-670-57502;
- II. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of the land located on the northeast corner of Hawthorne Drive and Enterprise Way, described as Part of Block A, Registered Plan 1644, and designated as Part 2 on Reference Plan 12R26956, from Manufacturing District 1.2 (MD1.2) to Residential District 3.2 (RD3.2) in Zoning By-law 8600; subject to the following site specific zoning provision:

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### “398. Northeast Corner of Hawthorne Drive & Enterprise Way

For the lands comprising Part of Block A, Registered Plan 1644, designated as Part 2 on Reference Plan 12R26956, the maximum building height provision in section 20(1)97(iv) of By-law 8600, shall not apply to a multiple dwelling on the subject land. [ZDM 15; ZNG/6072]”

- III. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following in the site plan approval and the site plan agreement:
- (a) Noise warning clause(s) and other noise abatement measures identified in the Noise Study dated December 19, 2019 and Revised September 21, 2020, prepared by Akoustic Engineering Limited; and,
  - (b) The requirements and recommendations of municipal departments and agencies as noted in this report and detailed in Appendix D attached; and,
  - (c) That the maximum number of parking spaces shall not exceed the required minimum number of parking spaces.

Motion CARRIED, UNANIMOUSLY

Report Number: S 134/2020  
Clerk's File: ZB/13837

### **7.2 Z-014/20 [ZNG/6122] – Baker Investments Ltd 8380-8474 Wyandotte St E – Rezoning Ward 6**

Adam Szymczak (author), Planner III – Zoning

Mr. Szymczak provides a brief PowerPoint presentation of the report.

Mr. Jason Baker of Baker Investments (applicant) and Mr.. Stephen Berrill of ADA Architects Inc (agent) are available for questions.

Member Gyemi asks of Administration if further traffic control measures would be needed? Jeff Hagan, Transportation Planning Senior Engineer, advises this application is not large enough to require a Traffic Impact Study. That being said, upon reviewing the application, Traffic does not see a need for further control in the area.

The Chair also inquires about additional storm water issues and through circulation to all departments wants to confirm that there were no other concerns. Mr. Szymczak confirms no concerns were raised.

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Moved by: Councillor Holt  
Seconded by: Member Gyemi

Decision Number: **DHSC 204**

### RECOMMENDATIONS

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Block A, Registered Plan 1627 (8380-8474 Wyandotte Street East; Roll No.: 060-330-00300; PIN 01066-0242), located on the north side of Wyandotte Street East between Watson Avenue and Isack Drive, by adding a site specific provision to Section 20(1) as follows:

396. **NORTH SIDE OF WYANDOTTE STREET EAST BETWEEN WATSON AVENUE AND ISACK DRIVE**

For the lands comprising Part of Block A, Registered Plan 1627, a *Lodging House, Multiple Dwelling, Religious Residence, and Residential Care Facility* shall be additional permitted uses and the provisions of Section 12.2.5 shall apply to the additional permitted uses.

[ZDM 14; ZNG/6122]

THAT the Site Plan Approval Officer **BE DIRECTED** to consider, but not limited to:

The comments from Office of the City Engineer - Engineering Department – Right-of-Way Division, dated August 25, 2020, regarding Site Servicing Plans, Servicing Study, Reciprocal Access and Services, and Land Conveyance.

- b) The comments from Canada Post Corporation, dated August 14, 2020, regarding Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility at their own expense.

THAT that portion of 8380-8474 Wyandotte Street East subject to rezoning Z-014/20 ZNG/6122 **BE EXEMPT** from Interim Control By-law 103-2020.

Motion CARRIED.

Councillor Morrison was absent from the meeting when the vote was taken on this matter.

Report Number: S 124/2020  
Clerk's File: ZB/13898

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### 7.3 Interim Control By-law Exemption 2020-11 Airport Business Park Inc – 4325-4445 County Road 42 Ward 9

Adam Szymczak (author), Planner III – Zoning

Mr. Szymczak provides a PowerPoint presentation of the report.

Mr. Mark McCloskey – McCloskey Engineering speaks on the report advising support of the request for 1.8m berm along Baseline Road and planting additional trees on top of the berm to provide additional screening. Mr. McCloskey notes they have read the concerns from area residents regarding lighting and that they will change out lighting to meet compliance with City by-law. The area will be paved and the owner will be responsible for dust control in unpaved areas. The other concern neighbours had was traffic along Concession 8. Mr. McCloskey advises no trucks will utilize Concession 8.

Roger DenBoer (resident – neighbour directly abutting property). His major concerns are dust, noise and lighting. Mr. DenBoer mentions that the applicant recently sold the property and asks if the City is aware of that fact. Mr. DenBoer goes on to describe the problems/issues such as being unable to stay outdoors on nice days, dirt on vehicles, dust in their pools, beeping noise from trucks as they reverse and brake sounds going on in the late evening/early morning hours. Residents are not able to have their windows open at night.

Tiziano Zaghi, Planning Consultant representing Abdul Habib – Advises they are opposed to the request for exemption to the Interim Control By-law. Mr. Zaghi refers to the aerial photo and notes his client's property of almost 93 hectares to the south. Mr. Habib's property is designated for future residential development, primarily low density with some medium density with approximately 1100 residential units, slated to be a significant development for the East Pelton community. Phase I, which Mr. Habib is currently preparing applications for the City, will contain approximately 365 residential units. The concern is the potential impact to the development if the proposed transport terminal is to proceed. Currently, County Road 42 has heavy traffic throughout the day, which turns onto Walker Road and eventually onto Highway 401. The concern is the potential for traffic to reroute through the residential area along 7<sup>th</sup> & 8<sup>th</sup> Concessions in order to avoid congestion. At this time, Mr. Zaghi notes he has not seen a Traffic Analysis which would review the potential impact to the residential development and possible mitigation. On behalf of his client, Mr. Zaghi asks the Committee to refuse the request of the applicant for exemption from interim control. .

Mr. Abdul Habib (developer/land owner) reiterates that the truck terminal at County Road 42 (CR42) and 8<sup>th</sup> Concession will have an adverse affect on the residential community. Mr. Habib notes his investment in the proposed residential development that will provide more than 1000 single and multi-family homes. Mr. Habib advises he is waiting for one more study to be completed so that he can move forward with his Plan of Subdivision. Mr. Habib intends to have a road between 7<sup>th</sup> & 8<sup>th</sup> Concession. With the volume of traffic already on CR42, it is inevitable

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that there will be increased traffic and noise going through the subdivision to avoid CR42. Mr. Habib requests the City wait for the Traffic Impact Study and the requests of local residents regarding this application. More studies should be considered.

Member Gyemi inquires whether the property is currently being used as a truck terminal? Mr. McCloskey advises it is currently being used as a truck transportation terminal.

Member Rondo asks Mr. McCloskey if there was any thought, given the complaints, to paving the site instead of leaving it a gravel lot? Mr. McCloskey advises it is a significant area and a substantial site. They want to reduce the footprint of the gravel area and paving the area used most by the trucks. Mr. Szymczak adds the area the trucks maneuver must be paved. Where the trailers are stored there is no requirement for pavement according to current regulations of the by-law.

Councillor Sleiman inquires why is the Committee dealing with these requests when the Study is not complete? Mr. Szymczak advises property owners may apply for an exemption from the interim control by-law.

Member Gyemi asks what is the dust control process and are there additional actions that can be taken to mitigate this problem? Mr. Szymczak responds that the area in which the trucks maneuver must be paved. The areas where trailers are stored may remain as gravel. . Dust is regulated by the Property Standards By-law. Mr. Rob Vani, Manager of Inspections (Building Department) advises calcium chloride is typically used for dust control. Mr. Vani advises the reason for the majority of dust issues on the property is because it is currently not compliant with the requirements under Site Plan Control or even regulations of the Zoning By-law.

Mr Gyemi asks if this should or is going through Site Plan Control? Mr. Szymczak confirms Site Plan Control applies to this development and all zoning requirements will be implemented through Site Plan Control. Mr. Gyemi asks if lighting and noise will also be implemented through Site Plan Control?? Mr. Szymczak advises noise is being mitigated through berming. Mr. Gyemi inquires whether the City has any control over the amount of idling? Mr. Vani advises there is an Idling By-law. Mr. Gyemi repeats Councillor Sleiman's concern. The Chair adds that in the last few applications, it was left up to the Committee to suggest further mitigation. He notes that parcel is across from the airport. Because this is an Industrial/Transportation Corridor, the site makes it ideal for this type of business which is why there is a recommendation for approval.

The Chair seeks clarification and further confirmation that due to the loads these trucks have, they are not permitted on roads such as 8<sup>th</sup> Concession or residential roads. The Chair asks for a comment as to the need for a Traffic Study. Mr. Szymczak points out that the use is currently just temporarily prohibited. If the Interim Control By-law was not in effect, the use would be permitted and proceed to Site Plan Control. There may be a need for a Traffic Impact Study through that Site Plan Control..

Member Rondot expresses a thought of planting of evergreens in addition to berming as part of the noise mitigation process. Is this something worth considering as a requirement, providing

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year round privacy and noise mitigation? Mr. Szymczak advises that has not come up during the study. It is not something that would be limited to Industrial uses but to other Commercial uses in terms of screening and dust control. Mr. Rondot advises that if the Committee moves forward with approval, this would be a preference of his to incorporate into the recommendations. Mr. McCloskey advises they would have the Landscape Architect determine what would be planted on top of the berms. The berms proposed would be north of existing trees on the property and would use coniferous trees over deciduous.

Member Gyemi comments about using plants for noise control and if that is what it is being used for then a solid barrier should be considered. Mr. Szymczak advises the berms are used for noise control. The Chair advises that is addressed during Site Plan Control.

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 205**

### RECOMMENDATIONS

- 1) THAT Council **APPROVE** the request of D.C. McCloskey Engineering Ltd. for an exemption from the provisions of Interim Control By-law 78-2019 for the property at 4325-4445 County Road 42 (southwest corner of County Road 42 and 8<sup>th</sup> Concession Road).
- 2) THAT Council **AMEND** Interim Control By-law 78-2019 by adding to Section 6 the following:
  - k) 4325-4445 County Road 42  
Part Lot 17, Concession 7, Sandwich East;  
PIN 75235-0032; Roll No. 090-010-04950
- 3) THAT the Site Plan Approval Officer **BE DIRECTED** to consider the following matters for inclusion in an approved site plan:
  - a) The mitigation measures identified in the conclusion of the Acoustical Assessment Report dated August 5, 2020 and prepared by Akoustic Engineering Limited (attached as Appendix D to Report S 130/2020); and,
  - b) A setback of 11.3 m from the lot line adjacent to Baseline Road, which shall include a berm with a minimum height of 1.8 m.

Motion CARRIED.

Councillor Morrison was absent from the meeting when the vote was taken on this matter.

Report Number: S 130/2020

Clerk's File: Z/13528

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### **7.4 Z-016/20 [ZNG/6127] – Lester Group 1521 Pierre Ave – Rezoning Ward 4**

George Robinson (author), Planner II – Revitalization & Policy Initiatives

Mr. Robinson provides a brief PowerPoint presentation of the report.

Mr. Stephen Berrill, ADA Architects Inc representing the applicant – available for questions.

Mr. John Sherer (resident) provides a brief statement noting his concern with the design of the proposed development and the impact it will have on the area. The design of the building does not resemble the neighbourhood. In contacting the architect, he was told this was the final design due to budget restrictions and efficiency of construction. Mr. Sherer advises that, although the homes are almost 100 years old, they are well maintained and any development that comes in should try to reflect that same character. Mr. Sherer is not opposed to new development for a single or duplex home, but they do ask that it fit into the character of the street.

Ms. Toni Muzzin Probe (resident) voices her concern and disapproval over the proposed 3-storey property being squeezed into the small parcel of land. Noting parking, access through open alley and disruption of privacy due to crowding and additional noise this addition would make. Also, the beautiful garden left behind by the previous owner, who was recognized by the City of Windsor with a Beautification Award, removing what greenspace they have left.

Councillor Holt wants to know why the Committee is being asked to approve a reduction in scale for this tri-plex? Why would that be fitting in this neighbourhood? Mr. Robinson explains the history behind the limited lot size, noting it was severed from a previously double sized lot for this development. Councillor Holt asks that if the recommended zoning for a tri-plex is normally 18m, why would this development then be considered for approval when it's half that requirement? Mr. Robinson directs to Appendix F of the report to help explain the different zoning requirements. Councillor Holt asks what the height is in comparison with the abutting households? Mr. Berrill advises they're basically a 2-1/2 storey building, providing a 3<sup>rd</sup> unit in the basement level and provides distance and heights from grade level. Councillor Holt requests the height to the peak? Mr. Berrill advises according to Zoning By-law at about 30 ft or 10m. The abutting neighbour is a one-and-a-half storey duplex.

Councillor Holt repeats a comment made by Mr. Sherer in regards to constraints over design and construction and lack of matching the area. Mr. Berrill confirms the discussion occurred and the project being budget driven while trying to maximize internal living space.

Councillor Holt notes several comparisons to the neighbourhood regarding design, etc. According to Mr. Berrill, there was no attempt to match the neighbourhood. Mr. Robinson advises it is sited as similar to that of the neighbourhood, however, there are no requirements in the by-law to

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address the development to match the materials. But they are asking for a site-specific amendment at which point the Committee could add provisions to the recommendations.

Member Rondot notes the alley will be used to access parking and wants to know that Administration has confirmed the alley is not one designated for closure. Mr. Robinson advised the application was circulated to Engineering & Right-of-Way and had no concerns. Mr. Winter advised there has been no request for contribution for this alley.

Councillor Sleiman asks how Mr. Robinson came up with his recommendation in regards to compatibility to the neighbourhood? Mr. Robinson goes into a little more detail of how he determined his recommendation compared to his brief explanation in the report. Councillor Sleiman doesn't understand the justification for this application. Mr. Robinson provides more of an explanation and references sections of his written report.

Member Gyemi asks if it is fair to add a condition to ask the applicant to add elements in order to be more in line with the neighbourhood? Mr. Robinson advised you can ask the representative of the applicant if they would be open to revision and/or can add a specific requirement to the recommended Section 20 site-specific zoning provision. Mr. Szymczak adds he is wary about adding any design provisions at this point as they are a subjective matter that require a valid planning rationale. Mr. Gyemi asks if they can then recommend specifically to change the facade to add a full front porch? Mr. Szymczak advises that the Committee ask the applicant if they are amiable to such a provision. Mr. Berrill does not rule it out but cannot commit to anything without discussion with the owner.

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 206**

### RECOMMENDATIONS

THAT the Zoning By-law 8600 amendment request regarding Lot 82, Plan 889; now designated as Part 2 on Reference Plan 12R28270, located on the west side of Pierre Avenue, south of Shepherd Street East (shown as the subject lands on Appendix D to Report S117/2020), from Residential RD 1.3 to RD 2.2 **BE DENIED**.

Motion CARRIED.

Councillor Morrison was absent from the meeting when the vote was taken on this matter.

Report Number: S 117/2020

Clerk's File: ZB/13897

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## 8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 7:23 p.m.

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Ward 3 – Councillor Bortolin  
(Chairperson)

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Thom Hunt  
(Secretary)