



PLANNING JUSTIFICATION REPORT

PREPARED FOR:

**Consent & Minor Variance
Applications**

Julie Mayer

1043 Pine Grove Road,
Penetanguishene
File no. 24333A

May 2026



PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

Your Vision
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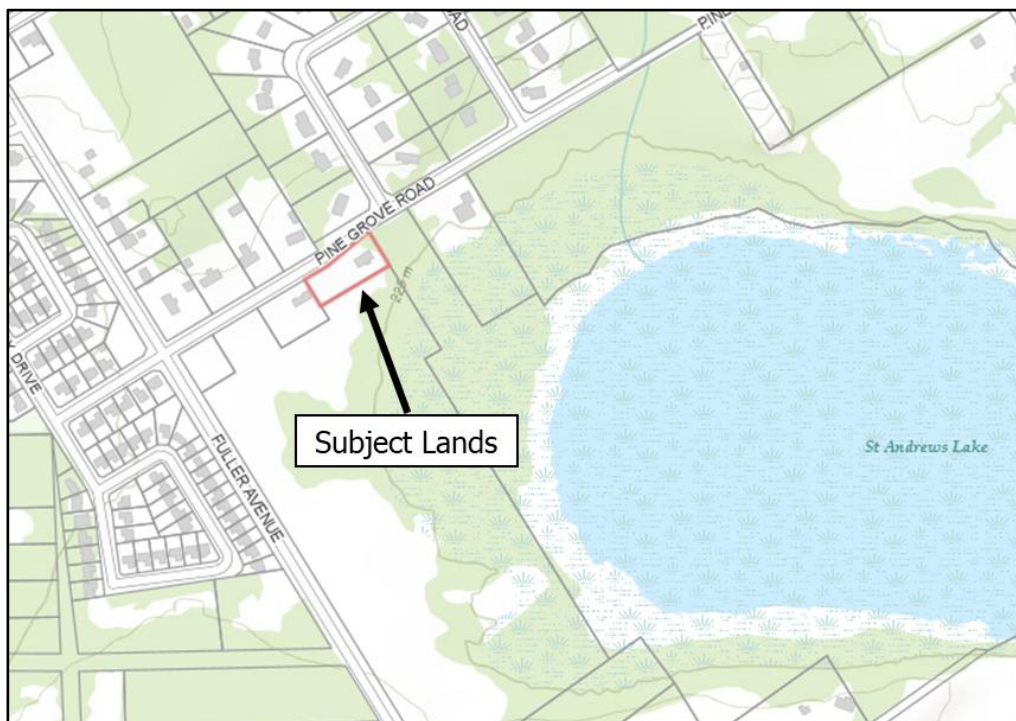
1.0 Introduction

MacNaughton Hermesen Britton Clarkson Planning Limited ("MHBC") has been retained by Julie Mayer (the "Owner") to review the planning merits of and prepare a Planning Justification Report (the "Report") for the following applications:

1. A Consent application to create one new lot to be used for residential purposes; and,
2. A Minor Variance to permit a reduced lot area for the proposed Severed Lot.

The Owner's property is located at 1043 Pine Grove Road (the "Subject Lands") and is legally described as Plan 51R-21920, Part of Lot 77B, Registered Plan 69, Township of Tay, County of Simcoe. The Subject lands are generally centrally located within the Town of Penetanguishene and are shown on Figure 1.

Figure 1: Location of the Subject Lands



2.0 Site Description and Surrounding Land Uses

The Subject Lands have an approximate lot area of 3,500 square metres (0.35 hectares or 0.86 acres) with approximately 90 metres of lot frontage along Pine Grove Road. The Subject Lands are currently developed with a single detached dwelling as shown in Figure 2 and is currently fully serviced by individual on-site sewage services and individual on-site water services. An aerial image of the subject lands and immediate surrounding area is shown in Figure 2.

Surrounding land uses include the following:

- **North:** To the north are low-density residential uses, Pine Grove Road, and Margaret Crescent. Further north is the Central North Correctional Centre.
- **East:** To the east are low-density residential uses and St. Andrews Lake and the St. Andrews Wetland, a provincially significant wetland. Further east is the Huronia Hand Gun Club.
- **South:** To the south is the 1145 Fuller Avenue subdivision, a draft plan approved subdivision consisting of 126 single-detached dwellings and 41 townhouse dwellings.
- **West:** To the west are low-density residential uses, Fuller Avenue, and Sheffcote Street.

Figure 2: Aerial Image of Subject Lands



3.0 Proposal

The Owners are proposing to create one new lot to be used for residential purposes on the Subject Lands through a Consent application. The proposed Severed Lot is to be located to the west of the existing single detached dwelling located on the Subject Lands and is to be vacant to accommodate a future single detached dwelling. It is understood that the new proposed single detached dwelling on the Severed Lot is to be occupied by a family member.

The proposed Severed Lot has a lot area of approximately 1,250 square metres and an approximate lot frontage of 35 metres along Pine Grove Road. The proposed Retained Lot where the existing single detached dwelling is located has a lot area of approximately 2,316 square metres and an approximate lot frontage of 57 metres along Pine Grove Road. The proposed lot configuration is shown in Figure 3.

Figure 3: Proposed Lot Configuration



Based on the proposed lot area for the Severed Lot, a Minor Variance application is required to permit a reduction to the required minimum lot area. The minimum lot area for the Rural (RU) Zone is 2,000 square metres and the proposed lot area for the Severed Lot does not meet this minimum requirement.

4.0 Planning Analysis

This section describes the existing land use context including the current policy and regulatory framework. This includes a discussion of applicable planning policies and regulations and how they apply to or affect the Subject Lands, including the Provincial Planning Statement, the County of Simcoe Official Plan, the Town of Penetanguishene Official Plan, and the Town of Penetanguishene Zoning By-law. A review of the applicable Four Tests of a Minor Variance is included in Section 5.0 of this Report.

4.1 Provincial Planning Statement (2024)

The Provincial Planning Statement (the “PPS”) is the statement of the Provincial government’s policies on land use planning and is intended to provide policy direction on land use matters which are in the Provincial interest. All land use planning decisions are required to be consistent with the PPS. The PPS provides a variety of general policies aimed at sustaining healthy, liveable and safe communities. These policies include promoting efficient development and land use patterns, accommodating an appropriate range of residential and other uses, and promoting cost-effective development patterns and standards.

Section 2.2 of the PPS outlines policies for housing and that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents. Planning authorities shall permit and facilitate all types of residential intensification, including the development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units. The proposed Consent will result in the intensification of the Subject Lands through the creation of a new lot for residential purposes.

The Subject Lands are located within the Town of Penetanguishene, which is considered a Settlement Area in the context of the PPS. Section 2.3 of the PPS outlines policies for Settlement Areas and states that they shall be the focus of growth and development. Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options. The proposed Consent provides an opportunity for intensification and redevelopment on underutilized lands within a Settlement Area.

Section 3.2 of the PPS outlines policies on transportation systems and that they should be safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs. Efficient use should be made of existing and planned infrastructure. The proposed Consent will be fully integrated into the existing road network and the resulting lots have lot frontage on an improved public road maintained on a year-round basis.

Section 3.6 of the PPS outlines policies on sewage, water, and stormwater. Municipal sewage services and municipal water services are the preferred form of servicing for Settlement Areas. Where municipal sewage services and municipal water services are not available, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In discussions with Town Planning Staff through the pre-consultation process, it is understood that a Septic Feasibility Study will be required as a condition of provisional approval for the Consent application. It is our understanding that a septic

system can be sited on the proposed Severed Lot, however the Study will confirm the appropriate location and design based on final plans for future development.

Chapter 4 of the PPS outlines policies on the wise use and management of resources including protecting natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources for their economic, environmental and social benefits. The Subject Lands are located adjacent to the St. Andrews Wetland, which is classified as a Significant Wetland (formerly referred to as a Provincially Significant Wetland by the Province). An Environmental Impact Study was completed by Azimuth Environmental Consulting Inc. which determined that the proposal will have no negative impacts on the natural heritage features or their functions on or adjacent to the Subject Lands provided that the recommendations outlined in the Study are implemented. It is recommended that the Owner enter into a Consent Agreement with the Town to outline the recommendations.

Based on a review of the proposal and applicable policies of the PPS, the anticipated conditions of provisional Consent, the proposed Consent application is consistent with the PPS.

4.2 County of Simcoe Official Plan (2016)

The County of Simcoe Official Plan (the "County OP") is designed to guide land use planning in the County over the next 20 years. The County OP contains general development policies that apply across the County as a whole, including policies related to natural heritage, transportation, and the subdivision of land, among other considerations.

The Subject Lands are designated "Settlements" in the County OP. Section 3.5 of the County OP outlines the policies for Settlements and that they are to be the focus of population and development growth. It is an objective of the County OP to develop a compact urban form that promotes the efficient use of land and provision of water, sewer, transportation, and other services, and to promote development forms and patterns which minimize land consumption and servicing costs. The proposed Consent provides an opportunity for intensification and redevelopment on underutilized lands which minimizes land consumption and servicing costs.

Section 3.3 of the County OP outlines general development policies including lot creation. Subdivision of land by Consent is permitted only for the land uses permitted in the designation. The proposed new lot will be for residential purposes and is a permitted use in the Settlements designation of the County OP.

Section 3.5.16 of the County OP outlines the progression of development within a Settlement Area and that phasing of development will give consideration to prioritizing infill and intensification proposals that utilize existing infrastructure and public service facilities, and development that promotes sustainability and energy efficient design. The proposed development supports intensification by increasing the density on underutilized lands and phasing is not required based on the scale of the proposal.

Section 3.3.15 of the County OP outlines policies on natural heritage and that natural features and areas shall be protected for the long term. The Subject Lands are located adjacent to the St. Andrews Wetland, a Significant Wetland. An Environmental Impact Study was completed by Azimuth Environmental Consulting Inc. which determined that the proposal will have no negative impacts on the natural heritage features or their functions on or adjacent to the Subject Lands provided that the recommendations

outlined in the report are implemented. It is recommended that the Owner enter into a Consent Agreement with the Town to outline the recommendations.

Section 4.7 of the County OP outlines policies on sewage and water services. Individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In discussions with Town Planning Staff through the pre-consultation process, it is understood that a Septic Feasibility Study will be required as a condition of provisional approval for the Consent application. It is our understanding that a septic system can be sited on the proposed Severed Lot, however the Study will confirm the appropriate location and design based on final plans for future development.

Based on a review of the proposal and applicable policies of the County of Simcoe Official Plan, the anticipated conditions of provisional Consent, the proposed Consent application conforms to the County of Simcoe Official Plan.

4.3 Town of Penetanguishene Official Plan (2019)

The Town of Penetanguishene Official Plan (the "Town OP") guides planning and zoning decisions for the Town to 2031. The Town OP sets forth several goals and objectives including, but not limited to, conserving the natural environment, protecting and enhancing character, and encouraging a sustainable and balanced economy.

The Subject Lands are designated "Rural Area" in the Town OP as shown in Figure 4 and are located adjacent to the lands designated as "Neighbourhood Area". Section 4.9 of the Town OP includes policies for the Rural Area designation and under these policies, the proposed residential use is permitted.

Figure 4: Land Use Designation, Town of Penetanguishene Official Plan Schedule A



Section 3.10 of the Town OP outlines policies regarding natural heritage features and areas and that the Town will work to conserve, restore, and enhance them wherever possible. The Subject Lands are located adjacent to the St. Andrews Wetland, which is a Significant Wetland, that is designated as Environmental Protection Area as shown in Figure 4. An Environmental Impact Study was completed by Azimuth Environmental Consulting Inc. which determined that the proposal will have no negative impacts on the natural heritage features or their functions on or adjacent to the Subject Lands provided that the recommendations outlined in the report are implemented. It is recommended that the Owner enter into a Consent Agreement with the Town to outline the recommendations.

Section 3.13.1 of the Town OP outlines policies regarding source protection to protect the quality and quantity of drinking water in the Town. The Subject Lands are located within a Highly Vulnerable Aquifer, Wellhead Protection Area Q1, and Wellhead Protection Area Q2. Residential uses are not considered a significant drinking water threat in accordance with the local Source Protection Plan.

Section 5.3.2 outlines policies regarding private water and sewage services and that private servicing systems will generally be permitted in Rural Areas provided that the lot is an appropriate size to accommodate the services. In discussions with Town Planning Staff through the pre-consultation process, it is understood that a Septic Feasibility Study will be required as a condition of provisional approval for the Consent application. It is our understanding that a septic system can be sited on the proposed Severed Lot, however the Study will confirm the appropriate location and design based on final plans for future development.

Section 6.3.5.2 of the Town OP outlines policies for consents. Consents are permitted provided that they do not result in the creation of more than five new lots in a single application. Both the Severed and Retained lots shall have lot frontage and access to an improved public road maintained on a year-round basis and shall be adequate for existing and proposed uses.

The proposed Severed Lot is a sufficient size to accommodate a building envelope with appropriate setbacks, and the creation of a new lot does not restrict the development of other parcels of land. There are residential properties located to the west of the Subject Lands along Fuller Avenue that have a similar lot area and that do not meet the minimum lot area requirement of the Zoning By-law. Other surrounding residential properties are much smaller in lot area however those properties are connected to Town water and sewer services. The general area is occupied by a range of lot areas and properties that are used for residential purposes.

In regards to land use compatibility, the Owner submitted an Environmental Noise Report that was completed by Jade Acoustics Inc. The Environmental Noise Report concluded that the establishment of a residential lot capable of supporting single detached dwellings and accessory buildings is appropriate, subject to the severed lot requiring a provision for adding central air conditioning and three warning clauses included in all agreements of Offers of Purchase and Sale and lease/rental agreements.

Policies used to evaluate proposed Consent applications are included in Section 6.3.5.2.3 of the Town OP. Table 1 provides a summary of those policies and provides a response based on the conformity to each policy.

Table 1: Consent Policies

Section Number	Policy	Official Plan Conformity
6.3.5.2.3	a) Road Access	
	i. The lot to be retained and the lot to be severed shall have frontage on and access to an open, improved public road which is maintained on a year-round basis.	Both the Severed and Retained Lots have frontage on and access to an open, improved public road which is maintained on a year-round basis, being Pine Grove Road.
	ii. Lots shall not be created which would create a traffic hazard due to limited sight lines on curves or grades.	There are no anticipated sight line issues as a result of curves and grades on Pine Grove Road at the location of the Subject Lands.
	iii. Any required road widenings, improvements or extensions to existing rights-of-way may be required as a condition of severance approval.	Not applicable.
	iv. Notwithstanding subsection i., the lot to be retained and the lot to be severed may have frontage on and access to a Private Road where the consent is to separate two existing dwellings on a lot of record.	Not applicable.
	b) Lot Size	
	i. The lot area and frontage of both the lot to be retained and the lot to be severed shall be adequate for existing and proposed uses and shall allow for the development of a use which is compatible with adjacent uses by providing for sufficient setbacks from neighbouring uses and, where required, the provision of appropriate buffering.	The Severed and Retained Lots are of adequate size to accommodate the proposed residential uses. In discussions with Town Planning Staff through the pre-consultation process, it is understood that a Septic Feasibility Study will be required as a condition of provisional approval for the Consent application. It is our understanding that a septic system can be sited on the proposed Severed Lot, however the Study will confirm the appropriate location and design based on final plans for future development.
	ii. The proposed lots shall comply with the provisions of the Zoning By-law. Where it is not possible to meet the standards in the by-law or a minor variance may be granted as a condition of	A concurrent Minor Variance has been submitted to permit the proposed Severed Lot to have a lot area that does not meet the minimum requirement in the Zoning By-law of 2,000 square metres.

	approval, where that action is considered appropriate.	
c) Proper Development of Adjacent Lands		
	i. The proposed lot(s) shall not restrict the development of parcels of land, particularly the provision of access to allow the development of remnant parcels in the interior of a block of land.	The proposed Severed Lot does not restrict access to any adjacent lands, including the Retained Lot.
d) Parkland Dedication		
	i. Where a consent is approved, the parkland dedication policies of Section 6.3.11.2 shall apply.	It is understood that the payment of cash in lieu of parkland will be required through a condition of provisional Consent.
e) Municipal Services		
	i. Connection shall be made to municipal services provided they are available. Where they are not, individual water and sewage services may be permitted provided that site conditions are suitable for the long-term provision of such services with no negative impacts.	There are no municipal services available on the Subject Lands. Future development on the proposed lots is to be serviced by individual on-site sewage (septic system) and individual on-site water (well) and based on the lot areas of the Severed Lot, there are no anticipated issues associated with providing these services.
	f) The Town may require the following conditions of approval of a consent application for the severed lot and/or retained lot where such a condition is appropriate: i. Payment of taxes; ii. Payment of development charges; iii. Payment of drainage and local improvement charges; iv. Provisions for connection to the municipal water or sanitary sewage systems v. Provisions for Stormwater Management vi. Road dedications and improvements; vii. Parkland dedications or payment-in-lieu; viii. Approval of a Zoning By-law amendment or minor variance; ix. Approval of a Site Plan; x. Other technical matters deemed appropriate by the Town under	Noted. It is understood that Town Planning Staff will consider a provisional approval of the Consent application, subject to the completion of conditions.

	the specific circumstances of the Consent.	
	g) Consents for building purposes shall not be permitted under the following circumstances: i. The land is located within any Natural Heritage Features and Areas, and a suitable building site cannot be found through the evaluation completed in an Environmental Impact Study; ii. The land is located in a floodway iii. The land is located on or within 300 metres of an area, as identified by the Province; iv. Provincial or Town transportation objectives, standards or policies cannot be maintained; or v. The created and retained parcels cannot be provided with an adequate level of service.	The conclusions of the Environmental Impact Study demonstrate that the proposed development can be mitigated, as referenced previously in this Report. There is adequate level of services available in this area of the Town, and the area is developed with other rural and rural residential development.

Based on a review of the proposal and applicable policies of the Town of Penetanguishene Official Plan, the anticipated conditions of provisional Consent, the proposed Consent conforms to the Town of Penetanguishene Official Plan.

4.4 Town of Penetanguishene Zoning By-law (2022)

The Subject Lands are currently located within the Rural (RU) Zone in the Town of Penetanguishene Zoning By-law 2022-17 as shown in Figure 5. The proposed residential uses on both the Severed and Retained Lots are permitted in accordance with the Zoning By-law. The standards for the Rural (RU) Zone are summarized in Table 2 along with the proposed lot area and lot frontage for the Severed Lot.

Due to the proposed lot area of the Severed Lot, the Owner has submitted a concurrent Minor Variance application to permit the proposed lot area of approximately 1,250 square metres where a minimum lot area of 2,000 square metres is required for properties located within the RU Zone.

The Retained Lot complies to the requirements for lot area and lot frontage for the RU Zone, and the Severed Lot complies to the minimum lot frontage requirement for the RU Zone.

Future development on the Severed Lot will respect the other zoning standards and setbacks as required in the RU Zone.

Figure 5: Current Zoning on Subject Lands

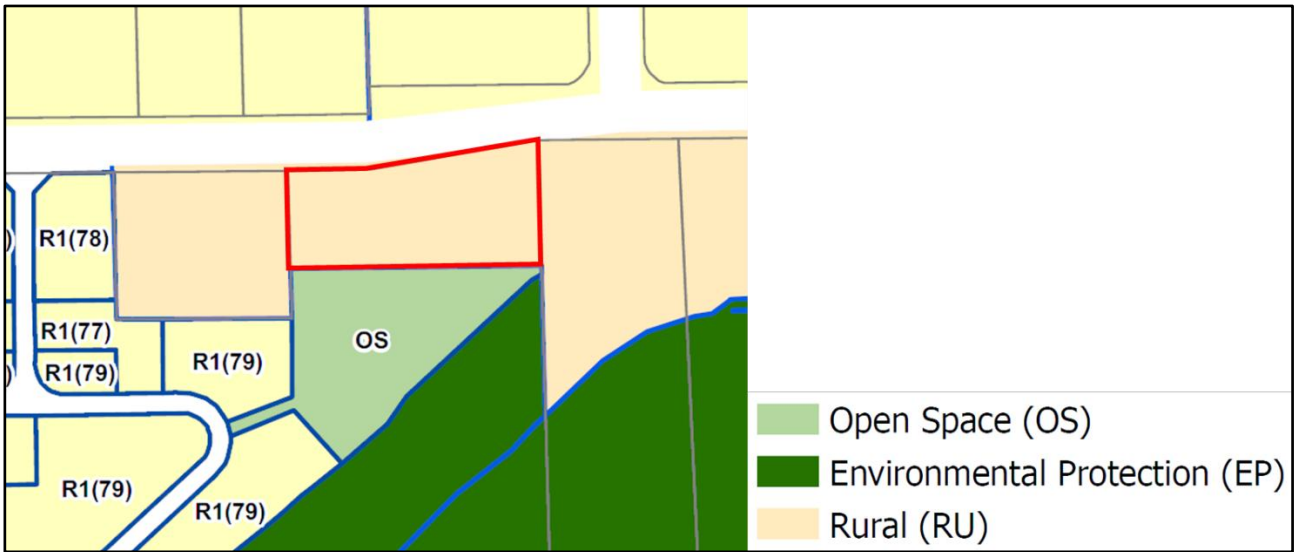


Table 2: Zoning Standards for the Severed Lot

Zone Standard	Permitted/Required	Proposed Severed Lot	Relief
Minimum Lot Frontage	35.0 m	35.0 m	N/A
Minimum Lot Area	2000 m²	1250 m²	750 m²

A Minor Variance application is required to permit a reduction to the required minimum lot area for the Severed Lot. A review of the Four Tests of a Minor Variance is included in Section 5.0 of this Report.

5.0 Minor Variance

The proposed Severed Lot has a lot area of 1,250 square metres where Section 10.3.1 of the Zoning By-law requires a minimum lot area of 2,000 square metres for properties within the RU Zone. When considering request for Minor Variance applications, the “Four Tests” of a Minor Variance, as established in Section 45(1) of the *Planning Act*, need to be reviewed and satisfied. The purpose of this section is to provide a review of how the requested variance satisfies each of the Four Tests. The Four Tests include the following:

1. The minor variance maintains the general intent of the Official Plan;
2. The minor variance maintains the general intent of the Zoning By-law;
3. The minor variance is desirable for the appropriate development or use of the land; and
4. It is minor.

5.1 General Intent of the Official Plan

The Subject Lands are located within the Rural Area designation of the Town OP and are located within a Settlement Area which represents lands within the Town that are to be the focus for growth and development. The proposed lot contributes to intensification within the Town which is considered to be a Settlement Area in the context of the PPS and the County OP/Town OP.

Policies are included in the Town OP regarding lot creation. These policies include the requirement to demonstrate that proposed lot areas shall be adequate for the existing and proposed uses and shall allow for the development of a use that is compatible with adjacent uses by providing setbacks from neighbouring uses. Despite the proposed reduction to the required lot area, a future single detached dwelling is to respect the minimum setbacks as established in the RU Zone to ensure appropriate separation is provided between properties and adjacent uses.

The Severed Lot is of adequate size to accommodate the proposed residential uses. In discussions with Town Planning Staff through the pre-consultation process, it is understood that a Septic Feasibility Study will be required as a condition of provisional approval for the Consent application. It is our understanding that a septic system can be sited on the proposed Severed Lot, however the Study will confirm the appropriate location and design based on final plans for future development.

The proposed variance maintains the general intent of the Official Plan.

5.2 General Intent of the Zoning By-law

The Subject Lands are located within the RU Zone. The minimum lot area for properties within the RU Zone is 2,000 square metres. The proposed lot area of 1,250 square metres does not comply to the minimum requirement and therefore a variance is required.

The intent of the minimum lot area provision in the Zoning By-law is to establish a minimum standard for new lots to be created that meet as of right zoning. The minimum lot area ensures that properties within various zones can be appropriately developed while providing opportunities for buildings and structures, driveways and accesses, and amenity space.

Despite the proposed reduction to the minimum lot area, the Owners are proposing a future single detached dwelling that will comply with all other requirements of the RU Zone. The Owners will provide a Septic Feasibility Study in the future that will confirm the appropriate style and siting of a septic system to service the dwelling. The proposed lot area is of an adequate size to accommodate the future residential use while providing an opportunity for a mix of lot areas in the general area.

The proposed variance maintains the general intent of the Zoning By-law.

5.3 Appropriate and Desirable for the Use of the Land

The Subject Lands are designated and zoned for residential development. The surrounding area includes a mix of larger residential lots and new lots that have been approved through a plan of subdivision process. A new single detached dwelling on the Severed Lot is in keeping with the overall character of the area and therefore is desirable.

5.4 Minor in Nature

The variance to permit a reduction to the minimum lot area is appropriate and can be considered minor on the basis of the review for the previous three tests. The proposed Severed Lot remains large enough to accommodate future residential uses and is located within an area of the Town that is developed with existing and new residential developments. The overall reduction in lot area by approximately 750 square metres is minor in this instance.

5.5 Summary

It is concluded that the proposed reduction to the proposed lot area of the Severed Lot meets the Four Tests of a Minor Variance.

6.0 Technical Reports

6.1 Environmental Impact Study (EIS)

An Environmental Impact Study (EIS) was prepared by Azimuth Environmental Consulting Inc. (dated November 2024) to review the natural heritage features and functions on the Subject Lands to ensure that development can proceed in accordance with the applicable policy framework. The EIS concluded that the establishment of a residential lot capable of supporting single detached dwellings and accessory buildings is appropriate, subject to the recommended mitigation measures.

A summary of their findings is as follows:

- The proposed development is consistent with the applicable natural heritage policies of the Provincial Policy Statement, *Endangered Species Act*, County of Simcoe Official Plan, and Town of Penetanguishene Official Plan.
- The EIS has given full consideration to the habitat requirements of all Species at Risk (SAR) assumed and documented to occur in the area and results indicate the proposed development will not result in negative direct or indirect impacts to habitat of SAR providing conformance is demonstrated to mitigation measures described in Section 8 of the EIS.
- The proposed works are not expected to negatively impact the ecological functions of Provincially Significant Wetlands, Candidate Significant Woodland, or Candidate Significant Wildlife Habitat outlined in Section 5 of the EIS if the appropriate mitigation measures outlined in Section 8 EIS are followed.
- No ephemeral, intermittent or permanent drainage features, open water units, fish or fish habitat are expected to be negatively impacted as a result of the proposed works if the appropriate mitigation measures described in Section 8 of the EIS are followed during construction.

It is recommended that the findings of the EIS be included in a future Consent Agreement for the Subject Lands. It is recommended that the Owner or future purchasers of the proposed lot enter into a Consent Agreement with the Town.

6.2 Environmental Noise Report

An Environmental Noise Report was prepared by Jade Acoustics Inc. (dated November 18, 2024) to review the potential impact of environmental noise on the Subject Lands to ensure that development can proceed in accordance with the applicable policy framework. As requested by Town staff, the report addresses the Huronia Hand Gun Club located northeast of the Subject Lands. The Environmental Noise Report concluded that the establishment of a residential lot capable of supporting single detached dwellings and accessory buildings is appropriate, subject to the severed lot requiring a provision for adding central air conditioning and three warning clauses included in all agreements of Offers of Purchase and Sale and lease/rental agreements.

7.0 Summary and Findings

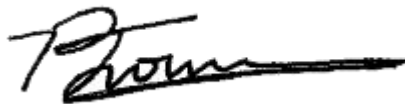
Following a review of the applicable policies in the Provincial Planning Statement, the County of Simcoe Official Plan, the Town of Penetanguishene Official Plan, and Town of Penetanguishene Zoning By-law, the proposed Consent application to create one new lot, plus one retained lot, for a total of two lots on the Subject Lands is consistent or in conformity with the applicable land use planning policies and documents and represents good land use planning.

The proposed lot area for the Severed Lot is appropriate on the basis that the Four Tests of a Minor Variance are met.

It is recommended that the owner enter into a Consent Agreement with the Town in order to implement the findings and conclusions of the technical studies that were prepared.

Respectfully submitted,

MHBC

A handwritten signature in black ink, appearing to read 'P. Townes', with a long horizontal flourish extending to the right.

Patrick Townes, BA, BEd
Associate

A handwritten signature in black ink, appearing to read 'J. Robinson', with a long horizontal flourish extending to the right.

Jamie Robinson, BES, MCIP, RPP
Partner