

**Ontario Municipal Board
Commission des affaires municipales de l'Ontario**

Lake Waseosa Ratepayers Association has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's decision to enact By-law 2009-88P of the Town of Huntsville to rezone lands respecting Part of Lot 12, Concession 10, Geographic Township of Chaffey, on Lake Waseosa from Shoreline Residential (SR5) to Shoreline Residential (SR2) zone to permit the development of a total of 4 shoreline residential lots.

Lake Waseosa Ratepayers Association has appealed to the Ontario Municipal Board under subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from two decisions of the Town of Huntsville Committee of Adjustment which granted two applications numbered B-58/2008/HTE and B-59/2008/HTE for consent to convey part of the lands composed of Part of Lot 12, Concession 10, Geographic Township of Chaffey, on Lake Waseosa.

B E T W E E N:

SYBILLE PIEPER ("Pieper")

- and -

LAKE WASEOSA RATEPAYERS ASSOCIATION ("LWRA")

MINUTES OF SETTLEMENT

WHEREAS LWRA has appealed to the Ontario Municipal Board ("OMB") decisions of Council and the Committee of Adjustment of the Town of Huntsville to permit the development of a total of four (4) shoreline residential lots

on Part of Lot 12, Concession 10, Geographic Township of Chaffey, on Lake Waseosa ("Property");

AND WHEREAS the parties have identified certain matters that are properly the subject of site plan approval;

AND WHEREAS the parties wish to fully dispose of the OMB appeals based on the matters addressed below;

NOW THEREFORE IN CONSIDERATION OF THE SUM OF TWO DOLLARS (\$2.00) mutually exchanged, the covenants in this agreement, and expeditious resolution of the appeals and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties covenant and agree as follows:

1. The parties agree that the recitals herein are true and accurate and form part of this settlement agreement.
2. LWRA agrees to forthwith withdraw all OMB appeals currently scheduled to commence on November 18, 2009 upon receipt of executed Minutes of Settlement.
3. Pieper agrees that the following matters will be incorporated into a site plan agreement to be entered into between the Town of Huntsville and Pieper and registered on title:

- (a) The septic systems will be installed east of the topographic drainage divide generally in the locations identified on the attached Schedule "A". The siting, installation and soil used for the septic systems shall be to the satisfaction of the Town of Huntsville.
- (b) Pieper's engineer will provide verification that Horizon B soils were used in the installation of the septic systems.
- (c) Pieper will make best efforts to negate blasting on the Property. Any blasting on the Property shall only occur in compliance with the Town of Huntsville Official Plan.
- (d) The houses will be located close enough to the topographic drainage divide to ensure that the septic beds will be fed by gravity and not by pumps.
- (e) Siltation and erosion control measures must be implemented during construction. A heavy-duty silt fence must be installed downhill from any disturbed areas above on the Lake Waseosa (west) side of development.
- (f) All disturbed areas shall be re-vegetated or suitably stabilized as soon as possible following construction.
- (g) No more than 15% of each lot may be cleared for a dwelling, septic system, driveway and pathway.
- (h) There shall be no construction or disturbance of the land west of the top of bank, with the exception of:
 - (i) A narrow meandering path up to 1.8 metres in width to access the shore. No trees larger than 150 mm in diameter at the base shall be removed for this purpose.
 - (ii) A heavy-duty silt fence installed in accordance with (e) above.
- (i) Boat ports will be permitted and shall be subject to any restrictions on size as permitted in the Town's zoning by-law.
- (j) Pieper agrees that there will be no further subdivision of the Property.
- (k) The houses will be no larger than 5,000 square feet and will have installed downward or dark sky lighting.

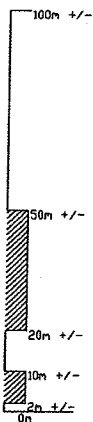
4. Pieper agrees to provide a copy of the final site plan agreement to LWRA as approved by the Town of Huntsville.

DATED this day of November, 2009.

THOMSON, ROGERS
Solicitors for Sybille Pieper

JOHN SEWELL
Solicitor for Lake Waseosa Ratepayers
Association

SCHEDULE "A"



Septic Bed

Dwelling

Building Area

Severance Proposal

ONTARIO MUNICIPAL BOARD

MINUTES OF SETTLEMENT

THOMSON, ROGERS
Barristers and Solicitors
Suite 3100
390 Bay Street
Toronto, Ontario
M5H 1W2

AL BURTON
L.S.U.C. No. 45605D
416-868-3113
Fax No. 416-868-3134

Solicitors for Sybille Pieper

(050585 AB/aph)