



January 8, 2021

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File no.: 54922-1

Dear Mayor and Members of City Council:

**Re: Temporary Sanitary Pump Station and Forcemain Project Agreement  
Watersands Construction Limited  
229 McKay Road West & 980 Veteran's Drive  
City File No. LGL001-21**

We are the solicitors for H&H Capital Group Ltd. ("H&H"), the owners of the lands municipally known as 124, 180, 228 McKay Road West in the City of Barrie, (the "H&H Lands") which form part of the Salem Secondary Plan Area (the "Secondary Plan Area").

The H&H Lands are located directly north of the lands owned by Watersands Construction Limited ("Watersands") municipally known as 229 McKay Road West & 980 Veteran's Drive (the "Watersands' Lands"). We are writing in response to the Staff Report dated January 11, 2021, recommending a Construction, Maintenance and Operating Agreement be entered into for a proposed temporary sanitary pump station and forcemain on the Watersands' Lands (the "Project").

H&H is supportive of efforts to move forward with interim servicing solutions within the Secondary Plan Area, and supports the proposed recommendations, subject to the following comments. This support is conditional on the City's commitment that the Project will include the interim capacity required to also service the H&H Lands, that appropriate oversizing (to be made before approval and construction) and upgrades will be made as required to ensure servicing of other lands within Phase 1 of the Secondary Plan Area to the full extent of existing capacity, and that any agreement or decision by the City will not grant a benefit to one draft approved landowner to the prejudice of another. H&H is fully committed to cost sharing the interim solution, and remains committed to its obligation to contribute to the McKay-Huronia Sanitary Sewer.

## **Background**

The H&H Lands are comprised of 61.1 hectares of land located at the northwest corner of McKay Road West and Veterans Drive. H&H's Phase 1 lands have draft plan approval to permit 327 single detached residential units, 357 townhouse units, 100 high density units within a mixed-use block, together with a neighbourhood park and a public elementary school. The balance of the H&H Lands are within Phase 2 of the Secondary Plan Area and will be considered at a later date, through separate application.

Draft plan approval was granted, with conditions, on August 8, 2019. H&H has been working diligently to clear the conditions of draft approval and intends to register the first phase of its draft plan of subdivision by 2022. H&H requires servicing capacity, in advance of the permanent sanitary solution currently scheduled and anticipated to be completed in 2027, to develop its lands.

## **The Project**

The Project is required because there is currently no sanitary servicing available within Phase 1 of the Secondary Plan Area. We understand the Project will provide a guaranteed temporary sanitary servicing solution for the Watersands' Lands, however, servicing for other landowners within the Secondary Plan Area will be subject to "several criteria" that have not been shared with adjacent landowners, including confirming capacity and the landowners' pro-rata share of the cost of the Project.

While the staff report confirms that the intent of the City's Infrastructure Implementation Plan and the Sub-Watershed Impact Study (SIS) prepared in 2017 on behalf of the Salem Secondary Plan owners, including H&H, is to provide a comprehensive and coordinated solution for all landowners within Phase 1 of the Secondary Plan Area, the proposed agreement solely secures servicing for Watersands' Lands.

Rather than proceed with a comprehensive (or coordinated) solution, the proposal before Council is to allocate 1516 units of servicing capacity to Watersand for its exclusive use for a period of ten years following the first registration of the first phase of Watersand's plan of subdivision. This represents a request for just over 150 units on average per year through to 2031 at the earliest, assumed to be done in stages. With a permanent solution anticipated by 2027, the math suggests that Watersands only requires a projected 900 units of capacity until the permanent solution is introduced in 2027 at the earliest.

H&H is fully supportive of an interim solution, but our client is concerned that a guaranteed allocation for Watersands without any assurance that there will be capacity for adjacent landowners does not provide them with an equal opportunity to expeditiously advance their project before 2027 and is not a balanced approach.

Our client is pleased that the proposed agreement will require the flow monitoring data and model to be made available, as this is the City's preferred and required data package that H&H

(and others) need to rely upon, despite not having it become available to date. This makes it difficult for H&H to fully determine the impact of staff's recommendations on their project timelines and deliverables. As such, H&H has been unable to adequately evaluate the servicing capacity generated by the Project or act as a partner in the Secondary Plan Area, in working towards a comprehensive solution. In addition, the timing of the information to be released and made available to other Salem Landowners is also not specified in staff's report.

In the event that the Project does not provide servicing capacity beyond the capacity allocated to service the Watersands Lands, H&H seeks a decisive and time-defined commitment from the City to work with H&H to locate and secure servicing capacity as may be required for its lands, ensuring that the City is treating all landowners in a fair and reasonable manner.

## Conclusion

H&H is fully supportive of moving forward with the Project to facilitate interim servicing, and seeks assurance from the City that the Project is not a site-specific solution for one landowner over an extended period of time. The interim servicing solution using City infrastructure should ensure servicing of other draft approved lands within Phase 1 of the Secondary Plan Area, rather than grant a benefit to one landowner over another.

Please do not hesitate to contact us with any questions. We would be pleased to arrange a meeting with the City and Watersands to discuss the Project further.

Yours truly,

Cassels Brock & Blackwell LLP

  
Per: Signe Leisk

SL:MK

Cc: Raivo Uukkivi, Cassels Brock & Blackwell LLP  
Client

LEGAL\*52012895.1



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**TO: Mayor and Members of Council: City of Barrie**

**ATTN: Clerks Office: Wendy Cooke**

**FROM: Paolo Sacilotto**

**DATE: January 7, 2021**

**RE: Agenda Item LGL001-21ed - Temporary Sanitary Pump Station and  
Forcemain Project Agreement – Watersand Construction Ltd**

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Dear Mayor and Members of Council

DG Group is the development manager for Watersand Construction Ltd, a landowner in the Salem Secondary Plan area.

This letter is to confirm our support of the staff report (LGL001-21ed) that is scheduled to be presented at General Committee on January 11<sup>th</sup>, 2021.

Over the past several months DG Group has worked diligently and collaboratively with City staff on preparing this Temporary Sanitary Pump Station and Forcemain Project Agreement. We believe that this agreement will provide the opportunity for landowners in the Salem Secondary Plan to move forward with development, while at the same time provide valuable development charge payments to the City and eliminate any financial obligation from the City of Barrie.

We hope that Council will agree with this positive staff report and we look forward to advancing development within the Salem Secondary Plan.

Should have any questions or comments, do not hesitate to contact me.

Regards,

A handwritten signature in black ink, appearing to read 'P. Sacilotto'.

Paolo Sacilotto



# **INNOVATIVE PLANNING SOLUTIONS**

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Monday January 11<sup>th</sup>, 2021

City of Barrie  
70 Collier Street  
Barrie, ON L4M 4T5

Attention: Mayor and Members of City Council

Cc: 2528286 Ontario Inc. & 2431805 Ontario Inc. – Colin Poponne

Re: Temporary Sanitary Pump Station and Forcemain Project Agreement  
Watersands Construction Limited  
229 McKay Road West & 980 Veterans Drive  
City File No: LGL001-21

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On behalf of 2528286 Ontario Inc. and 2431805 Ontario Inc., owner of lands known municipally as 910 and 844 Veterans Drive in the City of Barrie, (the “Poponne Lands”), Innovative Planning Solutions (IPS) is submitting comments on the above captioned matter.

The Poponne lands are located within Phase 1 of the Salem Secondary Plan and are abutting lands owned by H&H Capital Group Ltd (“H&H”). Like H&H, these parcels are located directly north of lands owned by Watersands Construction Limited.

Both the Poponne lands are part of the Salem Landowners Group in which they are a member in good standing and have been participating in the group for several years. The purpose of this letter is to respond to Staff Report dated January 11, 2021, recommending a Construction, Maintenance and Operating Agreement be entered into for a proposed temporary sanitary pump station and forcemain to facilitate the development of 1516 units on the Watersands development.

First and foremost, Poponne is supportive of a solution that would facilitate development within Phase 1 of the Salem Secondary Plan. According to the City’s proposed 2021 Capital Plan, the municipal sewer required to service this area is not currently anticipated until 2027. This is a significant delay and we support an interim solution to allow Phase 1 landowners the ability to move forward.

Poponne’s concern with the following proposal is that it does not include allocation for their lands. We are not supportive of a solution that will only benefit one landowner. This goes against the spirit and intent of the Secondary Plan in which a comprehensive plan was approved to ensure development happens in a coordinated fashion.

There are currently three landowners within Phase 1 of the Salem Secondary Plan that require this interim solution. The following summarizes their unit counts:

**Table 1: Unit Count Breakdown**

<b>Developments</b>	<b>Units</b>	<b>Percentage</b>
Watersand	1502	62.22 %
H&H Capital	784	32.48 %
Poponne	128	5.30 %
Total:	2414	100%

Poponne would like a commitment that this proposed interim solution can accommodate their 128 units. Poponne is fully committed to paying their proportionate share and cost sharing the interim servicing solution based on the percentages outlined in Table 1. It is our opinion that City Council should require staff to review this solution in a comprehensive fashion, similar to how the Salem Secondary Plan was created, to ensure that one development does not prejudice another. An analysis of the maximum available allocation through the interim solution should be understood before any decision is made on this matter.

It is our understanding that Watersand has completed sanitary flow monitoring for this project. It is the municipalities responsibility to ensure orderly and fair development, particularly when allocation is being granted for a period of 10 years without understanding if allocation may be available for other landowners in this area. The available flow monitoring data should allow this analysis to be completed in short order. The report suggests that other landowners within the Secondary Plan Area will be subject to “several criteria” and will be offered a connection to this solution; however, the criteria is not outlined nor is their confirmation that future available capacity exists in the system.

In the event that the maximum capacity of the interim solution is 1516 units, it is recommended that this allocation be distributed fairly based on the percentages in Table 1. Table 2 outlines the fair distribution of allocation based on percentage allocation.

**Table 2: Allocation Distribution**

<b>Developments</b>	<b>Percentage</b>	<b>Units</b>
Watersand	62.22%	943 units
H&H Capital	32.48%	492 units
Poponne	5.30%	81 units
Total:	100%	1516 units

**Conclusion**

Poponne is extremely pleased to see a solution being brought forward that will allow lands within the Salem Secondary Plan area to proceed. We have been anxiously waiting this information and have been requesting information on this matter since June 2020. It is not an unreasonable request to ask that Council consider the fair distribution for this interim solution to all parties and not just one landowner. We would like assurances from the City that the

proposed interim solution can accommodate a total of 2414 units. In the alternative, if this capacity is not available and it is indeed capped at 1516 units, the interim servicing solution should benefit all three parties and not just one. Each developer is willing to financially contribute their share for this infrastructure. The interim solution will utilize City infrastructure and the City has a responsibility of ensuring the logical extension out from the current City limit as well as the fair distribution of allocation to all parties.

Respectfully submitted,  
**Innovative Planning Solutions**

A handwritten signature in black ink, appearing to read 'D. Vella', written over a horizontal line.

Darren Vella  
President & Director of Planning