

ISSUE DATE:

August 22, 2008



PL070900

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

Nick Wiendels and Colleen Wiendels (together with Bartels Environmental Services) have 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 refusal or neglect to enact a proposed amendment to Zoning By-law 2005-005 of Municipality of Middlesex Centre to rezone lands respecting 10098 Greystead Drive (South Part Lot 6, Concession 12) from A-2 to R-1 – to rezone the property from Agricultural A1 to Agricultural A1-# to allow for an additional use to permit storage of bio-solids within an existing manure pit

OMB Case No. PL070900

OMB File No. Z070127

APPEARANCES:

Parties

Counsel/ Agent*

NUBS.org

A. Patton
A. Fernandez

Municipality of Middlesex Centre

A. Wright
C. Saunders*

N&C Wiendels and Bartels Environmental
Services

J. Doherty
D. Sunday

**MEMORANDUM OF ORAL DECISION DELIVERED BY C. HEFFERON ON
AUGUST 19, 2008 AND ORDER OF THE BOARD**

The appeal before the Board (under subsection 34(11) of the *Planning Act*) is in respect of the September 21, 2007 decision of the Council of the Municipality of Middlesex Centre refusing its application to amend Zoning By-law 2005-005 for the south part lot 6, Concession 12, geographic Township of Lobo, ("subject lands") to allow for an additional use, namely the storage of bio-solids within an existing manure pit. The new use requires that the site be re-zoned from Agricultural A1 to Agricultural A1# to permit storage of bio-solids within the existing manure pit. It also requires a Certificate of Approval ("C of A") under Part V of the EPA.

Two pre-hearing conferences at which the public attended have already taken place at the Middlesex Centre Municipal Offices.

This was the second telephone conference call among the parties. The parties agreed to discuss the issues list among themselves via conference call on Monday, August 25, 2008 at 7:00 p.m. This is a matter between the parties and does not involve the Board. Mr. Wright will handle the arrangements.

The parties agreed to a third TCC with the Board on Wednesday, August 27, 2008 at 8:30 a.m. Its purpose is to report counsels' progress on refining and/or reducing the issues list. The parties are asked to call 416 212 0400 or toll free 1(866) 355-2663 with prompt code 4417# to join the call.

This Member will continue to manage this file up to but not including the hearing, and may be spoken to if difficulties arise. He is not, however, seized of the hearing itself.

So Orders the Board.

“ C. Hefferon ”

C. HEFFERON
MEMBER