

**SaveMainStreet**

ON Corp # 1000149167

**PARTICIPANT STATEMENT  
EXPLANATION**

**Ontario Land Tribunal**

Case number: PL210286

141-149 Main St. East

Representative:

Ruxandra Bucataru

Co-founder, SaveMainStreet

July 4, 2022

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# Introduction

Incorporated in 1790, Grimsby is the oldest municipality in Ontario. Our Main Street is a living reflection of Canada's small-town history. Part of Niagara's Wine Route with multiple heritage landscapes, Grimsby's Main Street is filled with unique historical features and beautiful views of the escarpment.

Grimsby's Official Plan was built around protecting our history and natural features while providing opportunities for growth in a strategic manner:

*"Grimsby's natural heritage, cultural heritage, and arts will be celebrated and protected. The existing urban settlement area of Grimsby will be intensified in a few key areas while respecting the small town character and cultural heritage of the Town."*

Incorporated in March 2022, SaveMainStreet was formed in 2018 following the desire of many residents to preserve this unique and valuable landscape.

Our group actively advocates for responsible development and historic preservation. Our mandate includes maintaining the small-town feel throughout Main Street, protecting its historic character and scenic features, while promoting a livable town through the protection of green spaces.

The activities and advocacy of SaveMainStreet are in line with the vision of Grimsby's Official Plan which fosters responsible development and recognizes Main Street as a special area of our town.

## Issues

SaveMainStreet represents over 400 Grimsby residents, including many living in the area surrounding this proposal, who wish to bring to the Tribunal's attention the following:

We cannot support this application. It is not consistent with Grimsby's Official Plan Policies, fails to justify the increase in height and density, and undermines the Town's own conservation efforts currently underway on Main Street East.



# 1 Inconsistency with Grimsby's Official Plan vision and policies

The application documents attempt to demonstrate that this proposal is consistent with the Provincial Policy Statement (PPS) and conforms with the Growth Plan for the Greater Golden Horseshoe and Town of Grimsby's Official Plan (OP).

However, the Provincial Policy Statement also recognizes the diversity of Ontario and that local context is important. The PPS directs planning authorities to identify appropriate locations for development through intensification and redevelopment.

The Growth Plan also grants municipalities the authority to define the location and type of growth that can occur in designated intensification areas in a manner appropriate to the local context, while still meeting the objectives of the Plan.

The applicant's statement that *"the proposed development conforms to the intent of the Town of Grimsby Official Plan through intensification within the build-up area in a manner that is compatible with the existing neighbourhood"* is not a correct interpretation of the intent and vision of Grimsby's Official Plan.

Grimsby's Official Plan is structured to recognize the community as one of the first in Ontario to be settled, and key components of that settlement that are to be conserved.

The Official Plan follows the implementation of strategic growth policies set in the Growth Plan and identifies two major intensification areas where majority of intensification will be directed:

**Downtown** and **Casablanca Interchange Area**.

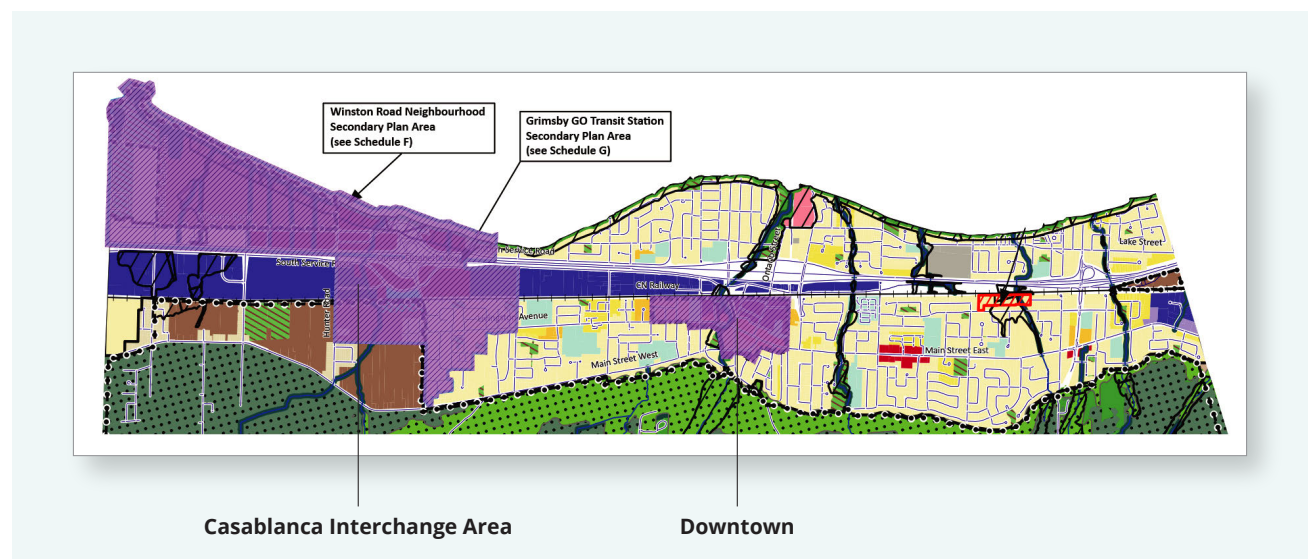


Figure 1: Major intensification areas (O.P. 2.3.2.6)

The Official Plan, Section 2.1, The Vision, states:

*"Small-scale infill will be promoted in other parts of the urban settlement area but will be sensitive to the surrounding housing character".*

**The site is located well outside the aforementioned two strategically designated intensification areas.**

The area is zoned Neighbourhood Commercial, with a maximum height permitted of 8.5 meters.

The Official Plan and Zoning By-law would permit intensification in this location with small-scale commercial infill, having residential units as a secondary use. This does not preclude a compact development form as encouraged by the Growth Plan, while also being consistent with the direction for intensification set forth in the Town's Official Plan.

The application is self-described as a high-density mixed-use condominium. This represents a major intensification relative to Grimsby's Official Plan policies and Zoning By-law limits.

The proposed height surpasses the maximum limit of the downtown intensification plan area of 4 storeys, aligning with the maximum permitted of 12 storeys in the Mixed-use High-Density designation of the Winston Road Neighbourhood Secondary Plan Area (which is part of the Casablanca Interchange Area).

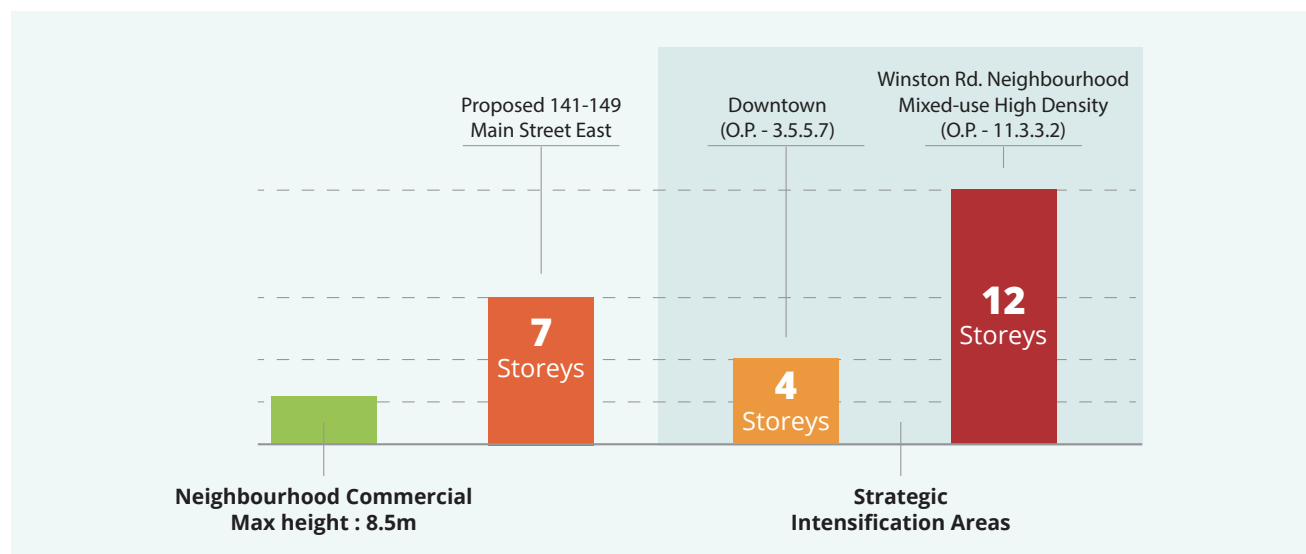


Figure 2: Height comparison

Schedule B of the Grimsby Official Plan also contains a "Residential/Mixed Use Area" designation which only applies to the Winston Road Neighbourhood Secondary Plan Area and Grimsby GO Station Secondary Plan Area or the Casablanca/QEW interchange area. Official Plan Policy 3.4.5.3 states that the density shall reflect that of the Medium Density Residential Area designation, which is 25-60 units per net residential hectare (OP 3.4.3.4). The policies also indicate that the Town may permit densities and heights that reflect those of the High-Density Residential Area designation through approved Secondary Plans (OP 3.4.5.4). The densities permitted in High Density Residential Areas are 60-120 units per net residential hectare (O.P. 3.4.4.5).

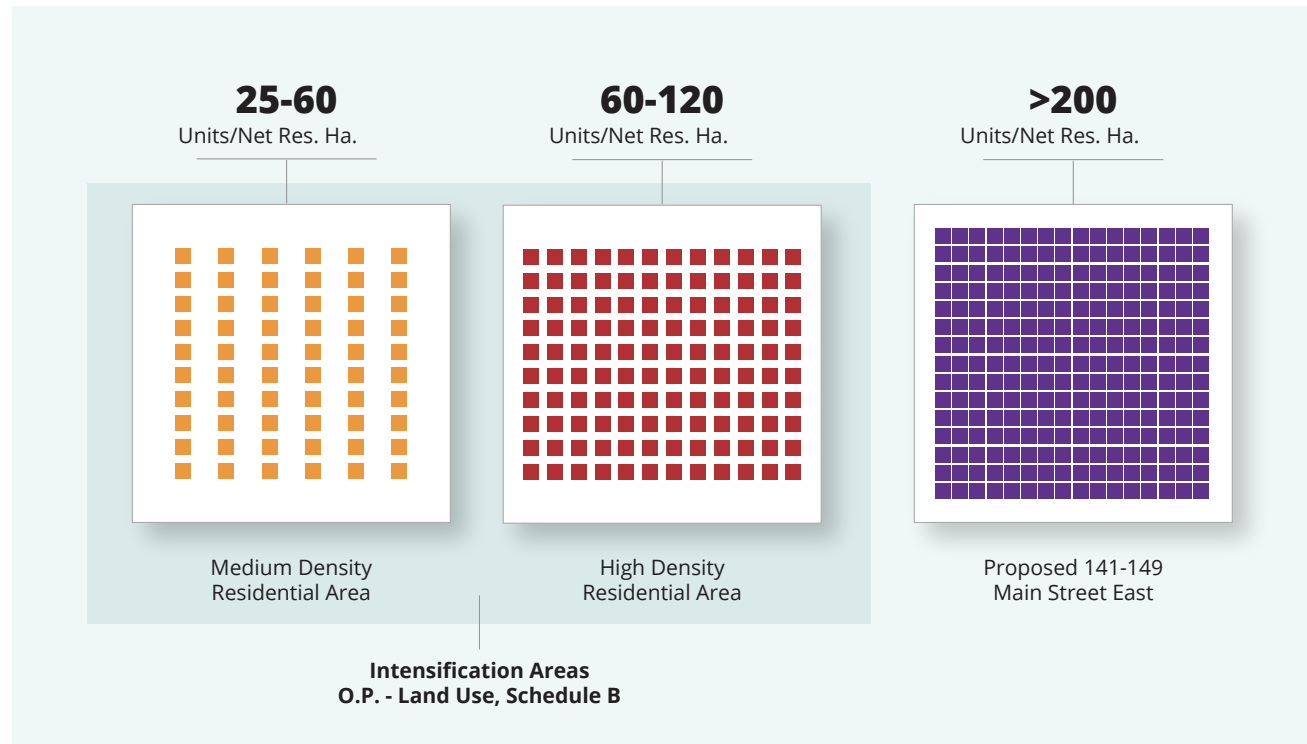


Figure 3: Residential areas density comparison

**Aside from the fact that the application site is outside this intensification area and not in any approved Secondary Plan**, the proposed density is more than the maximum permitted in High Density Residential Area designation.

We also may add that the Neighbourhood Commercial Zoning would permit densities up to 60% lot area. In that regard, the proposed density of 2.14 times lot area is **more than 350% of the maximum** currently permitted, falling into the range of the Mixed-Use High-Density policies in the Go Station Secondary Plan of 1 to 3 times the lot area (O.P. 12.3.6.3).

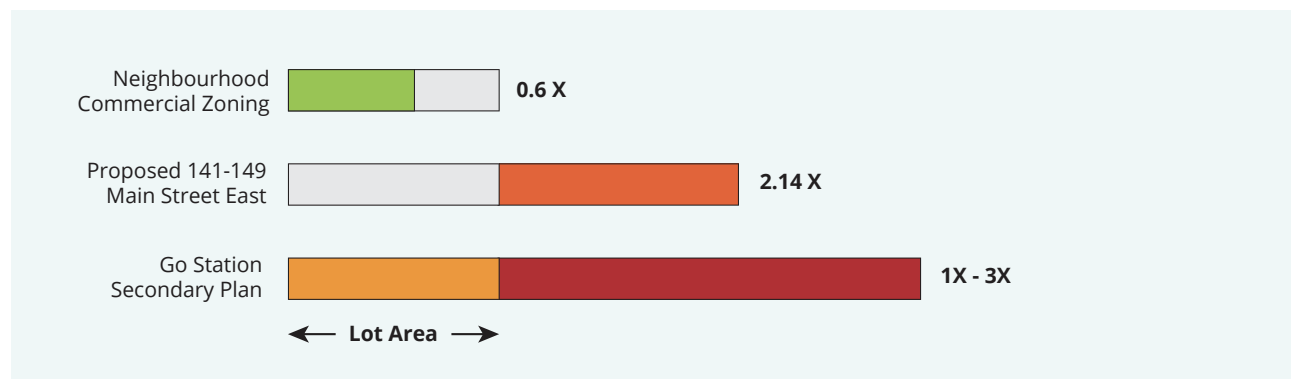


Figure 4: Zoning density comparison

The applicant's Planing Justification Report argues that *"the proposed development has been designed to be compatible with surrounding uses"*.

At more than 99% residential use, zoned "Neighbourhood Commercial", this development will negatively impact the future commercial uses of this area of Main Street East. The intent of the Neighbourhood Commercial designation in Grimsby's Official Plan is very specific:

*3.6.1.2 Neighbourhood Commercial Areas are intended to serve the day-to-day convenience shopping needs of the surrounding residents as well as the weekly needs for groceries, personal care products, and services and are not intended to usurp the function or range of uses provided by the Downtown*

The current commercial designation is well thought out in the context of Main Street East. The two commercial plazas are busy and serving a large residential area especially from the east side of the town, where convenience commercial facilities are very limited. As more residential development will be completed eastwards, the need for commercial uses in the area will increase.

Also, the new hospital is an opportunity to increase employment uses around it. The building will be larger and will serve at least two more communities around Grimsby. This will put even more pressure on the need for commercial and medical service uses in close proximity, which can be provided through the current zoning designation.

The applicant argues that *"the proposed development would provide support for any future public transit given the mix of uses and density proposed as well as the location of the subject lands on location on a Regional arterial road"*.

**Transit availability at this location is limited.** It should be stressed that there is no fixed transit service provided in the vicinity of the subject site. Currently in Grimsby:

- Three (3) buses total per weekday stop in downtown Grimsby (1.6 km away), destined for Mississauga and Toronto
- Buses depart hourly per weekday from the Casablanca GO stop (5.2 km away), destined for Hamilton and Burlington
- Niagara Region Transit is conducting a pilot on-demand service with expected wait times of 30 to 60 minutes, for destinations within Grimsby and between Niagara municipalities

The application's Traffic Impact Study (Paradigm, May 2020) did not reduce expected vehicular peak hour trips due to the presence of transit, which we agree is realistic.

The site is not near higher order transit and no reasonably conceivable scheme will make it so. Main Street East is a two lane road with no room for expansion. Niagara Region recognizes that in their [“Strategic Cycling Network Development Technical Paper”](#), when describing the feasibility for expanding the cycling network on this segment of the road (Table D-2):

*“Designated facility needed, but no space/capacity on-road. Replace an existing sidewalk with MUP (south side) and transition to unidirectional facilities at Nelles”.*

**This density and height should not be permitted in this location as it does not comply with the requirements and policies as required by the Ontario’s A Place to Grow: Growth plan for the Greater Golden Horseshoe and the Town of Grimsby’s Official Plan.**

## 2 Unjustified major increase in height and density

The application documents fail to justify any rationale for height and density exceptions as may be permitted by the Official Plan of the Town of Grimsby.

The site is not located in any approved Secondary Plan area which would allow increase in densities and heights that reflect those of a High-Density Residential Area designation.

The application insists on maintaining the Neighbourhood Commercial designation arguing that it provides for commercial space. However, the commercial component is only 0.6% of the total square footage of this development. The new use is clearly and primary residential at 99.4% and inconsistent with commercial land uses in the Official Plan.

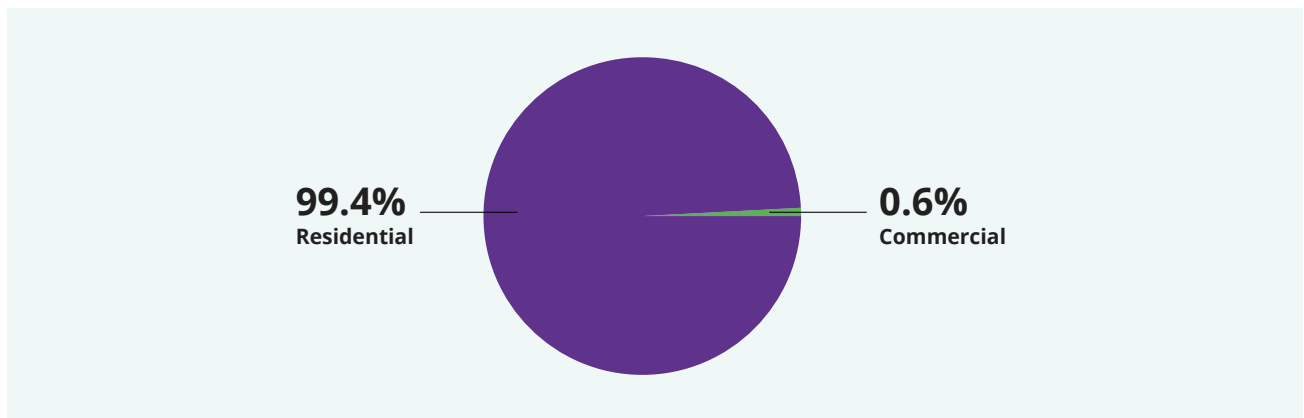


Figure 5: Residential vs Commercial component

The pre-consultation document signed by the applicant and Town staff, identifies this application as “apartment buildings” and therefore eligible for Section 37 Agreement/Community Benefits.

The protocol for determining community benefits of Town’s Section 37 Implementation Guidelines document, outlines in Section 5.1 that:

*“Developments are considered eligible for Section 37 community benefits if they are located in the Medium Density, High Density, Mixed Use or Downtown designations”.*

**The site is not in any of these designations so it should not qualify for an increase in height and/or density in exchange for Section 37 community benefits.**

Section 9.4.7 of the Official Plan states that:

*"Section 37 community benefits will **only** be permitted within areas **considered to be Cultural Heritage Landscapes** if the benefit provided results in the preservation and/or restoration of buildings, structures or landscapes of historical or architectural merit."*

In 2015, Council adopted the Grimsby Cultural Heritage Landscape (CHL) study, *Cultural Heritage Landscapes in the Town of Grimsby*. The Tribunal accepted this study as evidence for case number #PL160056 - 155 Main Street West (<https://canlii.ca/t/h3st1>). The attributes of the CHL considered in the case were an important aspect of the final decision that disallowed that development to proceed.

Similarly, the subject lands are located on Main Street, determined by the Town of Grimsby to be part of the Grimsby Main Street Scenic Highway Heritage Route CHL. The aforementioned policy (OP 9.4.7) does not require adoption of the CHLs under the Planning Act or Heritage Act.

The application fails to demonstrate how it **preserves or restores** any of the following attributes of this CHL in exchange for an increase in density and height:

- Alignment of Main Street
- Farmhouses and farmstead remnants (fruit barns) and active farms.
- Commercial Main Street (downtown)
- Agricultural landscape
- Mature trees

The two historic houses on the site are listed in the Municipal Heritage Register. Their value has been found significant for our community to be worth designation under Part IV of the Ontario Heritage Act. **Section 37 would only be permitted if these buildings were allowed to remain.** An increase in height of maximum 20% from the current limit of 8.5m would be permitted only if they are preserved, as per 4.22 Height and Density Bonusing provision of Grimsby's Zoning by-law.

**Major decreases in height and density are required for this proposal to be consistent with Town of Grimsby municipal policies and provisions for Section 37 consideration.**



### 3 Out of character with the surrounding neighbourhood and insensitive to the historic context of Main Street East

The application ignores the Streetscape Design policies for Main Street (O.P. 7.3.1) which require larger setbacks outside Downtown to maintain the existing street character and reflect some of the main attributes of the Grimsby Main Street Scenic Highway Heritage Route CHL.

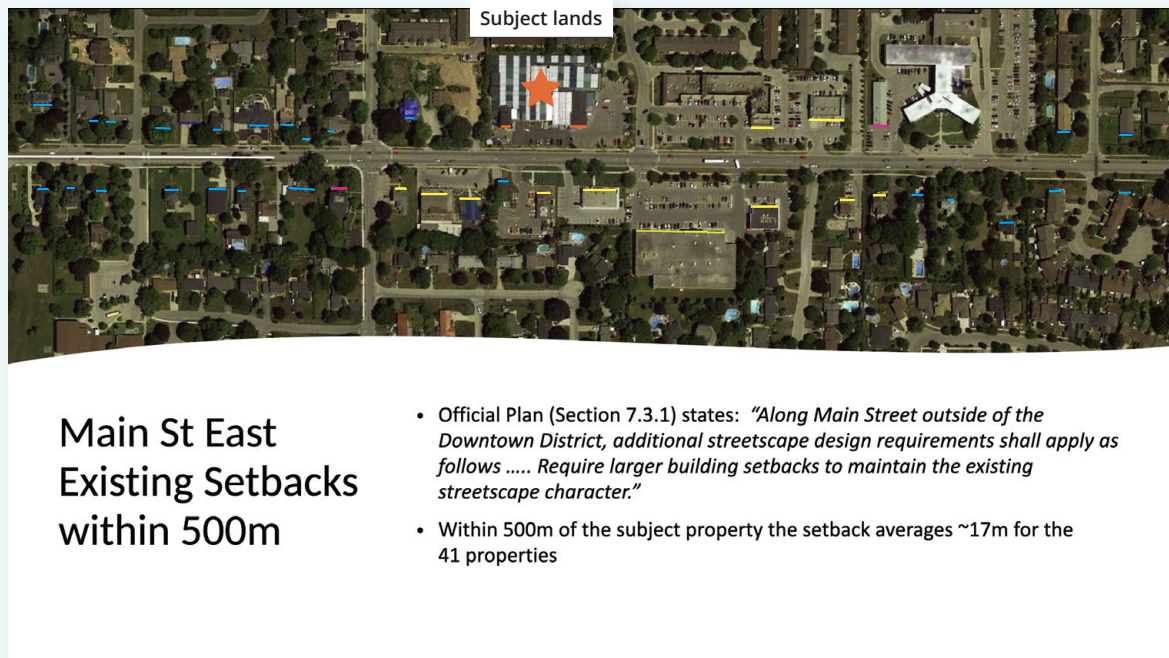


Figure 6: Existing setbacks within 500m

*7.3.1 Along Main Street outside of the Downtown District, additional streetscape design requirements shall apply as follows:*

- a) Preserve to the greatest extent, mature vegetation, remnants of agricultural activity and other natural features within the site and along the street edge and at the Escarpment; and*
- b) Incorporate areas for pedestrian paths to connect to the existing, informal walking paths and footbridges; and,*
- c) Require larger building setbacks to maintain the existing streetscape character**



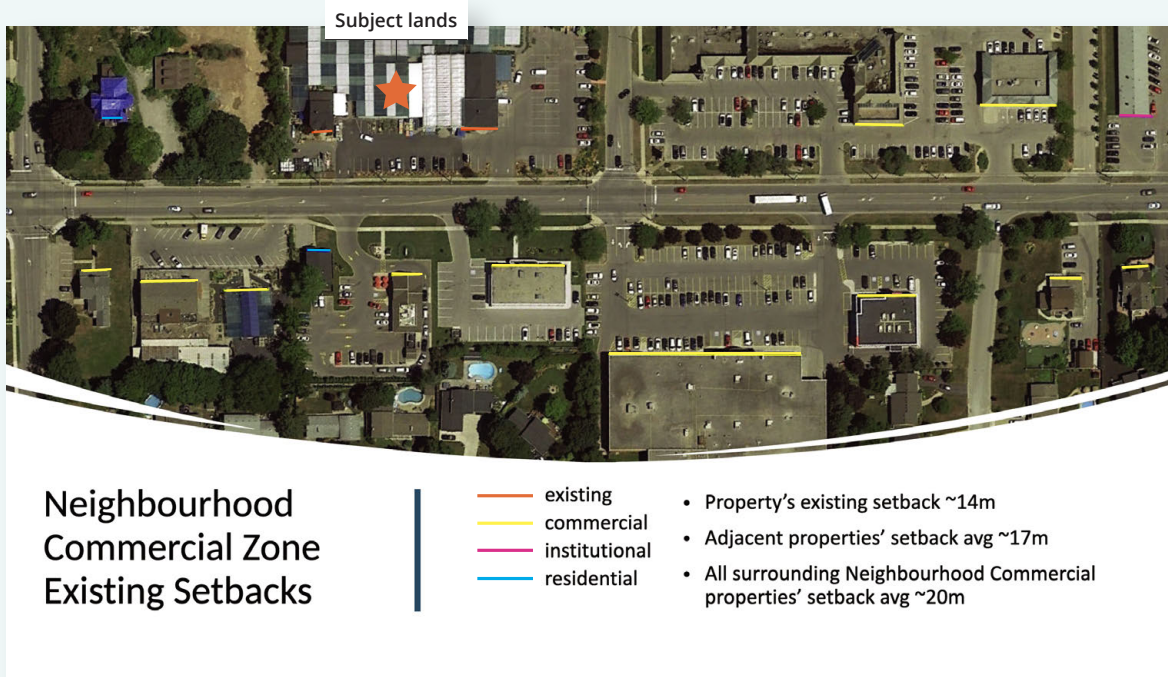


Figure 7: Existing setbacks in the Neighbourhood Commercial Zone

The building is proposed much closer to the road right of way at only 3 meters, while the existing property setback is approximately 14 meters, and the setbacks of the adjacent properties average at 17 meters.

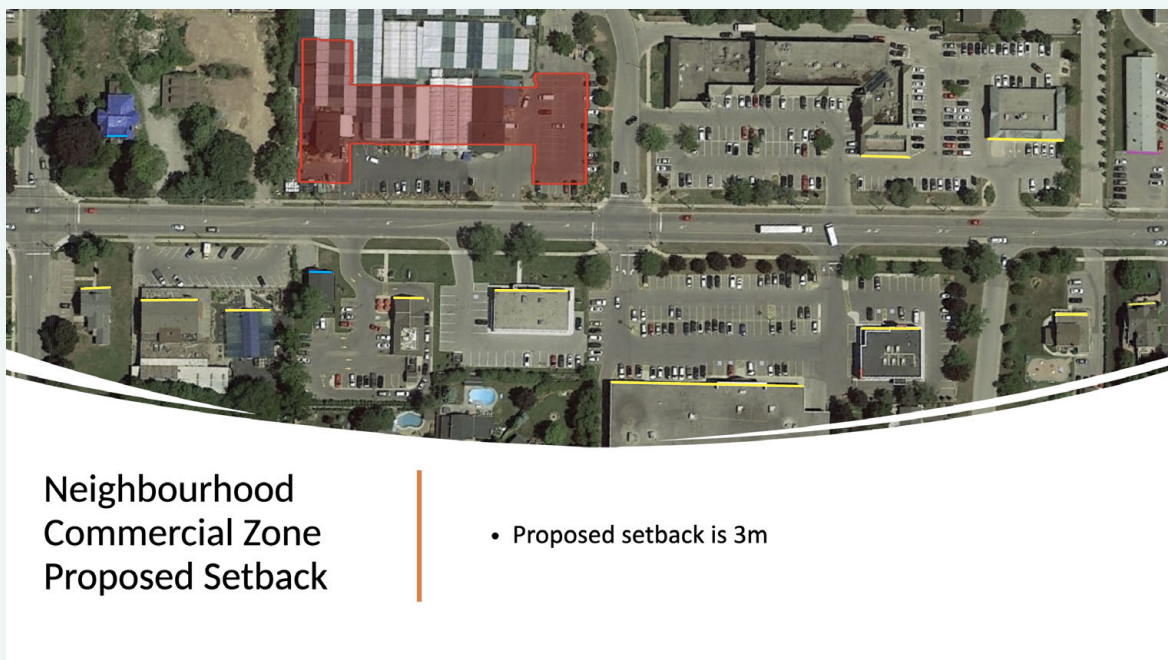


Figure 8: Proposed setback



**A setback at only 3 meters is contrary to the Official Plan policy and will create a precedent, interfering with the character of the entire street.**

As another example of consideration for the Main Street character in proximity of the subject lands, the new hospital will be set back at least 79 meters from the property line and will have a generous treed front yard.

The applicant states that *“the proposed development has been thoughtfully designed to be compatible with surrounding development and respect the existing and emerging and built-form and character of Main Street East.”*

One important objective of Grimsby’s Official Plan is to ensure that the land uses in the Urban Settlement Area contribute to and respect Grimsby’s cultural heritage and small town character (OP 2.3.2 2). The Official Plan envisions small-scale infill that is sensitive to the surrounding housing character. A major goal of the Official Plan’s housing policies is to accommodate future housing demands **while maintaining the character of established neighbourhoods.**



Figure 9: Grimsby's Main Street East

The prevalent character of Grimsby's Main Street East is illustrated in the [Appendix A](#) of this document.

Main Street is recognized as a priority for protection under Grimsby's Official Plan Section 8.15 b).

The site is part the **Main Street Cultural Heritage Landscape**, as outlined in the CHL document approved by Council - "Grimsby's Special Places".



The Main Street Cultural Heritage Landscape is indicated by the red line that is imposed on the 1876 Atlas Map of Grimsby.

Figure 10: Main Street CHL  
(source Grimsby Cultural Heritage Landscape study, 2015)

This document states that "The landscapes along Main Street are of cultural heritage value as the route is a **key story teller of the history of the community.**"

Grimsby's Official plan requires protection of cultural heritage resources which are important to the **identity and character** of the Town (8.0 Goals).

Niagara Transportation Policy Plan 2011 - Section Policy 9.A.24 also recognizes Regional Road 81 as a scenic route the special character of which shall be conserved:

*"Specific routes that have a distinctive character should be recognized in the Regional and local municipal official plans and encouraged by the Region. Regional Roads with tourism attributes are Regional Road 81 in Grimsby", [...]. Along these Roads and where Regional Roads are within designated heritage areas and /or border designated buildings/sites any development of adjacent lands, road allowance changes or Class Environmental Assessments associated with proposed road improvements shall be reviewed giving a high priority to conservation of the scenic, natural, and cultural amenities."*





Figure 11: Grimsby's Main Street is considered a scenic route

Main Street is currently undergoing a Heritage Conservation District Study. The site is in the midst of the Study area, surrounded by properties that are designated under Part IV of the Ontario Heritage Act, and by those which were identified by the Town as having cultural heritage value or interest under Section 27 of the Act.

The two historic buildings on the site have been found to have physical, historical and contextual value to the community. The demolition of these buildings should not be allowed before this study has had a chance to make an independent assessment of their value in the context of Main Street East.

The lands are currently zoned to permit the development of a commercial building of 8.5m height with a maximum 60% lot area, having residential as accessory use. This is the mandated scale that reflects the intention of the Grimsby's Official Plan and respects the existing character of the street and the surrounding neighbourhood.

From the images below, it is obvious that the proposal is clearly not respecting the intention of Grimsby's Official Plan for this area, being too large and not sensitive to the existing character of Main Street East that our community wants to preserve. Specifically, it is three times taller than what is currently allowed and by comparison to existing built form, is excessive in scale and mass and of incompatible design relative to the identified heritage buildings in its surroundings (Fig. 12).



Figure 12: Proposed built-form in Main Street East context



The applicant's Heritage Impact Assessment argues that this part of Main Street East evolved over time, that few of the original 19th century buildings remain east of Nelles Road, and that removing even more and replacing them with high-density condominiums is somewhat justified and fitting.

While some modernization has occurred in the area east of Nelles Road, the newer buildings, including two commercial plazas, have integrated with the neighborhood through a low profile which has preserved the east and west visual continuity of the street, even in the absence of a Heritage Conservation District. The historic streetscape setbacks and escarpment view planes have been consistently adhered to until now. This continues to be reinforced even by the planners of the new West Lincoln Memorial Hospital with setback provisions and park frontage echoing the heritage streetscape.

The applicant's proposal completely disregards that Main Street East of Nelles Road is the location of many local heritage properties. Some twenty one properties east of the applicant's land are in fact more than a century old. Two are over 175 years old. For example :



**132 Main Street East**

1873 - Residence of Samuel Whittaker, prominent local merchant and farmer; building situated across the street from the subject property.



**147 Main Street East**

c. 1880 - Residence of a number of early business men. More recently the home of Brigadier Vernon Hodgson, head of the Royal Cdn Regiment in WW1 & WW22, & his son RCAF Air Vice Marshal Keith Hodgson, OBE, DCF & ADCF, Deputy Chief of Staff NORAD.



### **168 Main Street East**

1895 - Denison House of R. Evelyn Denison & his father Lieut Colonel Denison. The Denison family featured prominently in the military history of Upper Canada and Ontario.



### **170 Main Street East**

1900 - Plenton / Wade Victoria Gothic farm property.



### **203 Main Street East**

1840's - Denwyche - A designated property deemed to be of architectural significance.



### **212 Main Street East**

1860 - Ingleside - The Kitchen family residence; leaders of early fruit cultivation in Niagara district with over 5,000 trees in production.

We would also like to add that shopping plazas are not unusual even in designated heritage areas. Pickering Village and the Village of Bolton are just two examples of a mix of new and old commercial and residential buildings that maintain a sense of place.

For a community established 230 years ago, we have valued heritage resources along Main Street East that are in dire need of protection. Through tools and policies provided by Provincial legislation, we are deciding together how we want this area to evolve in the future.

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Our statement has provided ample legislative proof that this aggressive application has no legitimate basis to allow it to proceed. As presented, this application is not appropriate for the Neighbourhood Commercial designation, this area of Main Street East, undermines the Heritage Conservation District study and thereby removes any opportunity to shape the future development of Main Street East in ways that enhance and protect the heritage landscape.

The Grimsby citizens who are represented here by SaveMainStreet strongly urge the Tribunal disallow this application from going forward. We ask that this application be held responsible to the keeping of our Official Plan and Bylaws.



## **Appendix A:**

### **Grimsby's Main Street East**





Grimsby's Main Street East





Grimsby's Main Street East