

**SUDBURY EAST PLANNING BOARD
MINUTES
Thursday, May 4, 2017 at 5:30 p.m.
Sudbury East Planning Board Office
39 Lafontaine Street, Warren, Ontario**

MEMBERS PRESENT: Michel Bigras, Carol Lemmon, Ginny Rook, Jim Rook, Paul Schoppmann, Denny Sharp

MEMBERS ABSENT: Greg Hunt, Heide Ralph, Jim Stankovich, Ned Whynott

OFFICIALS PRESENT: Matthew Dumont, Director of Planning/Secretary-Treasurer
Karen Beaudette, Administrative Assistant

PUBLIC PRESENT: Paul Sharp, Gerald Seguin, Gilles Seguin, Richard Tetreault

1. MEETING CALLED TO ORDER

Chair Bigras called the meeting to order at 5:30 p.m.

2. ADOPTION OF THE AGENDA

Resolution: 17-026

BE IT RESOLVED THAT the agenda for the Sudbury East Planning Board regular meeting of May 4, 2017 be adopted as distributed.

MOVED BY: Jim Rook

SECONDED BY: Denny Sharp

Carried.

3. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

No disclosures of Pecuniary Interest.

4. ADOPTION OF MINUTES

a) Sudbury East Planning Board – Regular meeting of March 9, 2017

Resolution: 17-027

BE IT RESOLVED THAT the minutes of the Sudbury East Planning Board's regular meeting of March 9, 2017 be adopted as distributed.

MOVED BY: Paul Schoppmann

SECONDED BY: Carol Lemmon

Carried

5. PRESENTATIONS/DELEGATIONS

a) Denis Turcot, CAO, Municipality of Markstay-Warren was to present to the Planning Board the justification for reduction of consent application fees on current application. Mr. Turcot was not present.

6. ZONING CONFORMITY PERMITS

a) First Quarter 2017

A report listing the Zoning Conformity Permits for the first quarter of 2017 was given to the Planning Board members for information only.

There were no comments or questions from the Board.

7. ZONING BY-LAW AMENDMENTS

The Chair advised that a Public Hearing will be held before the Planning Board makes a decision on a zoning by-law amendment. Also that the analysis and discussion serves two purposes: first, to present to the Planning Board and the public the details and background to a proposed Zoning By-law Amendment; and second, to receive comments from the public and agencies before a Planning Board decision is made.

The Director of Planning Advised that Notice of the Public Hearing was posted in the Planning Board office and sent by First Class Mail to assessed owners within 120 metres of the property subject to the Zoning By-law Amendment Application and to those persons and agencies likely to have an interest in the application. The Notice was sent on May 18th, 2016, being over twenty (20) days prior to this evenings meeting. Included with the Notice was an explanation of the purpose and effect of the proposed Consent and a key map showing the location of the property. The circulation was provided in accordance with the provisions of the Planning Act, R.S.O., Chapter P.13.

a) ZBA 17-03SCR – Moore Propane

Mr. R. Tetreault was present from Moore Propane for comments or questions from the Board.

The Director of Planning summarized the application. The proposed amending by-law will rezone the land from 'Industrial Rural' (MR), subject to Special Provision 16 (SP16), to 'Industrial Rural' (MR), subject to Special Provision 16 (S16), under By-law 14-01 of the Sudbury East Planning Board, as amended. The proposed lot to be rezoned is approximately 0.9 hectares in lot area with a lot frontage of approximately 125.0 metres.

The proposal will permit the development of an additional 2,000 US Gallon capacity propane dispenser tank for the filling of commercial and wholesale propane cylinders and tanks, and to recognize a reduced interior side yard at the rear of the plant.

In 2013, LRL Associates Ltd was retained by Moore Propane to locate an appropriate site in proximity to the City of Greater Sudbury for a bulk propane plant, consisting of one 30,000 US Gallon tank. Moore Propane retained Stirling Engineering to draft a Risk and Safety Management Plan (RSMP) for the site

which satisfied the licensing requirements through the Technical Standards and Safety Authority (TSSA). The application was supported and approved by the Sudbury East Planning Board at that time.

Subsequently, as per the request of the Director of Planning, Moore Propane retained Stirling Engineering to complete an up-to-date Level 2 Risk and Safety Management Plan (RSMP) to address the additional 2,000 US Gallon capacity propane dispenser tank that was installed in late 2016, but is not yet operational. The RSMP is required under Section 3.1 of Ontario Regulation ("O. Reg.") 211/01, and its purpose is to review four main components of the original RSMP; a hazard analysis of the facility; a risk assessment of the largest propane storage quantity at the facility; risk mitigation and control plan; and an emergency response and preparedness plan. In addition, Stirling Engineering performed a Quantitative Risk Assessment, a standard for "acceptable" level of risk through the TSSA, which concluded that the risk of fatality from an accidental propane release involving the largest vessel at the bulk filling plant is "acceptable".

With regard to the Official Plan, Industrial uses proposed in the Rural Area are also subject to the provisions of 2.2.6 which include an assessment as to whether there is potential to impact on adjacent sensitive land uses, any outdoor storage of goods and materials, frequent shipping of products or materials, hours of operations, traffic volumes and likelihood of nuisance. The agent met the requirements through a Qualitative Risk Assessment, which also stated an acceptable level of risk through TSSA.

With regard to zoning, the Industrial Rural (MR) Zone permits a range of land uses suitable for industrial uses more appropriately located outside of settlement areas. The MR Zone requires a minimum lot area of 2.0 hectares and a minimum lot frontage of 60.0 metres. The current application has a lot frontage of 125.0 metres and a lot area of 0.9 hectares. The reduced lot area was recognized through special provisions 16 in 2013 (ZBA1311SCR).

With respect to agency comments, the Ministry of Transportation had no objections or concerns.

It is recommended that a by-law be passed.

Member Jim Rook asked if the Estaire Volunteer Fire Department was capable of controlling the scene if there was an accident at the plant. Mr. Tetreault stated that the fire department did tour the site and did a test run of their equipment from the river to the plant.

Resolution: 17-028

BE IT RESOLVED THAT By-law Number 17-02 being a By-law for the purpose of amending Zoning By-law No. 14-01 of the Sudbury East Planning Board, in respect of application ZBA 17-03SCR, submitted by Moore Propane be read a first and second time this 4th day of May, 2017

MOVED BY: Jim Rook

SECONDED BY: Denny Sharp

Carried

Resolution: 17-029

BE IT RESOLVED THAT By-law Number 17-02 being a By-law for the purpose of amending Zoning By-law No. 14-01 of the Sudbury East Planning Board, in respect of application ZBA 17-03SCR, submitted by Moore Propane be read a third and final time this 4th day of May, 2017

MOVED BY: Carol Lemmon

SECONDED BY: Ginny Rook

Carried

b) ZBA 17-06SCR and B/08/17/SCR – Blayne Teddy and Jodie Gibson

No member of the public was present for questions or comments from the Board.

The Director of Planning summarized the application. The lands are located at the intersection of Horseshoe Lake Road (North) and Horseshoe Lake Road (East) in the Unincorporated Township of Secord, and consists of vacant lands.

The purpose of the Application for Consent is to sever one (1) lot from the subject lands. The proposed retained lot is to be approximately 2.8 hectares in lot area with a lot frontage of approximately 76.0 metres and is vacant. The proposed severed land is to be approximately 2.8 hectares in lot area with a lot frontage of approximately 76.0 metres and is presently vacant.

In 2002, the Sudbury East Planning Board approved a consent application (B/07/02/SCR) to create two (2) Residential Rural (RU) lots with a retained parcel (Parcel 25720). Subsequently in 2009, the retained parcel was severed through a consent application (B/12/09/SCR), thus creating a total of four (4) lots, but the approval for parts 2 & 3, Plan 53R-17190, lapsed. As a result Parts 2 & 3, Plan 53R-17190, appeared to have merged on title because final consent described both parts. The end result is three lots severed from the original parcel and one retained. In this case, based on the history, the Director of Planning is honouring what was approved then by creating one (1) new lot. The Province and the Sudbury East Planning Boards Official Plan polices have changed since 2002 and 2009, which explains the approval of the original four (4) lots.

With regard to Official Plan, the proposed use of parcels is compatible with abutting uses; and the applicant has provided the required documentation to demonstrate site suitability for a septic system, reasonable expectation of potable water and capacity for hauled sewage

With regard to Zoning; the application for Zoning By-law Amendment will ensure that the proposed severed and retained lot is appropriately zoned for the intended use. The Rural (RU) Zone requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100.0 metres. The proposed severed and retained lots will no longer meet the requirements of the Rural Zone and are required to be zoned to Residential Rural (RR) which requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres. Each of the proposed lots exceeds the minimum requirements of the Residential Rural Zone.

No comments or concerns were raised through agency circulation; one phone call was received from a neighbour to inquire about the proposal.

It is recommended that the consent and zoning by-law amendment be supported.

There were no comments or questions from the Board.

Resolution: 17-030

BE IT RESOLVED THAT By-law Number 17-03 being a By-law for the purpose of amending Zoning By-law No. 14-01 of the Sudbury East Planning Board, in respect of application ZBA 17-06SCR, submitted by Blayne Teddy and Jodie Gibson be read a first and second time this 4th day of May, 2017

MOVED BY: Jim Rook

SECONDED BY: Denny Sharp

Carried

Resolution: 17-031

BE IT RESOLVED THAT By-law Number 17-03 being a By-law for the purpose of amending Zoning By-law No. 14-01 of the Sudbury East Planning Board, in respect of application ZBA 17-06SCR, submitted by Blayne Teddy and Jodie Gibson be read a third and final time this 4th day of May, 2017

MOVED BY: Paul Schoppmann

SECONDED BY: Carol Lemmon

Carried

Resolution: 17-032

BE IT RESOLVED THAT Consent Application B/08/17/SCR submitted by Blayne Teddy and Jodie Gibson be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Denny Sharp

SECONDED BY: Carol Lemmon

Carried

The Chair advised that there is a 20 day appeal period during which time any person or public body may appeal the decision or any condition imposed by the Planning Board by filing an appeal with the Secretary-Treasurer as prescribed by the Ontario Municipal Board Act.

The applicants have one year to fulfill the conditions of this conditional approval or the approval will lapse.

8. CONSENT APPLICATIONS

The Chair advised that a Consent Application be analyzed and discussed before the Planning Board decides whether or not to grant Provisional Consent. Also that the analysis and discussion of a Consent Application serves two purposes: first, to present to the Planning Board and the public the details and

background to a proposed Consent; and second, to receive comments from the public and agencies before a Planning Board decision is made.

The Director of Planning advised that Notice of Application was posted in the municipal office and was sent by First Class Mail to the assessed owners within 60 metres of the property subject to Consent Application and to those persons and agencies likely to have an interest in the application. The Notices were sent on April 18, 2017 (B/06/17/FR – Roger Fryer), April 12, 2017 (B/07/17/FR – Gilles Seguin), (B/09/17/MW – Roger and Lorna Laforest) being over fourteen (14) days prior to this evening's meeting. Included with the Notice was an explanation of the purpose and effect of the proposed Consent and a Key Map showing the location of the property. The circulation was provided in accordance with the provisions of The Planning Act, R.S.O. 1990, Chapter P.13.

a) B/06/17/FR – Roger Fryer

No member of the public was present for questions or comments from the Board.

The Director of Planning summarized the application. The purpose of the Application for Consent is to sever approximately 0.04 hectares from the subject property (PIN: 73451-0172) and add such lands to an adjacent property known municipally as 53 Shanty Bay Road (PIN: 73451-0166 & 73451-0064). The severed lands are in conjunction with the Municipality of French Rivers disposition of land legal matter for the sale of parts of the Quesnel Road right-of-way to the abutting owners, therefore, the said lands will not be retained. The proposed enlarged lot (once the severed lot has been added) will have an approximate lot area of 1.11 hectares and a lot frontage of 82.0 metres. The proposed lot addition will provide additional amenity area for the proposed enlarged lot.

There are no concerns with respect to the policies of the Official Plan. The Official Plan grants lot boundary adjustments. With respect to zoning, the benefitting lot has less than the required lot area and lot frontage for the Waterfront Commercial Tourist Zone (approximately 1.07 hectares and 82.0 metres). The lot would be deemed to comply by virtue of Section 6.26 of the Zoning By-law for the Municipality of French River. The resulting lot shall be deemed to comply with the minimum lot area and the minimum lot frontage requirements of this By-law. Section 6.26 recognizes lots whose lot size is altered by a lot additions

No concerns were raised through agency circulation or through public notice.

Municipality of French River commented that the consent application concerns the Municipality's disposition of land legal matter for the sale of parts of the Quesnel Road right-of-way to the abutting land owners. This application is supported and there are no relevant municipal conditions.

Member Schoppmann asked if this lot addition would affect the ingress and egress of abutting land owners. The Director of Planning stated that there is still a right-of-way in place for access by other land owners.

There were no other comments or questions from the Board.

Resolution: 17-033

BE IT RESOLVED THAT Consent Application B/06/17/FR submitted by Roger Fryer be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Denny Sharp

SECONDED BY: Ginny Rook

Carried

The Chair advised that there is a 20 day appeal period during which time any person or public body may appeal the decision or any condition imposed by the Planning Board by filing an appeal with the Secretary-Treasurer as prescribed by the Ontario Municipal Board Act.

The applicants have one year to fulfill the conditions of this conditional approval or the approval will lapse.

b) B/07/17/FR – Gilles Seguin

Gilles Seguin and Gerald Seguin.

The Director of Planning summarized the application. The purpose of the Application for Consent is to effect a lot addition. The application will sever approximately 3.44 hectares (known municipally as 1868 Highway 528) and add such lands to an adjacent property (known municipally as 1940 Highway 528). The proposed retained lot is to be approximately 34.0 hectares in lot area with a lot frontage of approximately 419.0 metres and contains a single-detached dwelling and accessory structures including a detached garage and a wood shed. The proposed enlarged lot (once the severed lot has been added) will have an approximate lot area 16.0 hectares in lot area with a lot frontage of approximately 206.0 metres. The proposed enlarged lot contains a mobile home which was granted in 2001 (building permit #01-025) which qualifies as a legal non-conforming use as the mobile home does not meet the zoning requirements of the Zoning by-law, but was in existence prior to May 26th, 2003.

With respect to the policies of the Official Plan, Section 4.5.1 of the Official Plan contains policies describing where consents can be granted. Consents can generally be granted for lot boundary adjustments (lot additions). There are no concerns regarding the Official Plan.

With respect to zoning, the Rural (RU) Zone requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100.0 metres. In this case, both the retained and the enlarged lot will continue to meet the requirements of the zoning by-law and be used as residential lots.

No concerns were raised through agency circulation or through public notice.

Mr. Gerald Seguin, an adjacent landowner, stated that he would no longer have access to the crown land to the south of his property as he had always had access by crossing his brother's property. The Director of Planning told Mr. Seguin to discuss with Mr. Moriarty the possibility of severing a portion of the property so that crown land can be accessed. This would mean having another consent application would have to be processed.

There were no other comments or questions from the Board.

Resolution: 17-034

BE IT RESOLVED THAT Consent Application B/07/17/FR submitted by Gilles Seguin be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Ginny Rook

SECONDED BY: Jim Rook

Carried

The Chair advised that there is a 20 day appeal period during which time any person or public body may appeal the decision or any condition imposed by the Planning Board by filing an appeal with the Secretary-Treasurer as prescribed by the Ontario Municipal Board Act.

The applicants have one year to fulfill the conditions of this conditional approval or the approval will lapse.

a) B/09/17/MW – Roger and Lorna Laforest

No member of the public was present for questions or comments from the Board.

The Director of Planning summarized the application. The purpose of the Application for Consent is to sever approximately 700.0 square metres from the subject property (known municipally as 7 Hill Street) and add such lands to an adjacent property known municipally as 3 Hill Street. The proposed retained lands are to be approximately 0.74 hectares in lot area with a lot frontage of approximately 66.5 metres. The proposed enlarged lot (once the severed lot has been added) will have an approximate lot area of 0.21 hectares and a lot frontage of 37.5 metres. The proposed enlarged and retained lands will continue to be used as residential lots. The proposed lot addition will achieve a more consistent lot fabric while providing additional amenity area for the proposed enlarged lot.

This application was a resubmission of a 2013 Consent Application that lapsed because the Conditions in Principle were not fulfilled within one year from the date of the Notice of Decision.

No Concerns with respect to the policies of the Official Plan.

With respect to zoning, The Residential One (R1) Zone requires a minimum lot area of 0.14 hectares and a minimum lot frontage of 30.0 metres where municipal sewers are not available. In this case, both the retained and the enlarged lot will continue to meet the requirements of the zoning by-law.

No concerns were raised through agency circulation or through public notice.

There were no other comments or questions from the Board.

Resolution: 17-035

BE IT RESOLVED THAT Consent Application B/09/17/MW submitted by Roger and Lorna Laforest be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Carol Lemmon

SECONDED BY: Denny Sharp

Carried

The Chair advised that there is a 20 day appeal period during which time any person or public body may appeal the decision or any condition imposed by the Planning Board by filing an appeal with the Secretary-Treasurer as prescribed by the Ontario Municipal Board Act.

The applicants have one year to fulfill the conditions of this conditional approval or the approval will lapse.

9. NEW BUSINESS

a) Planning Authorities Workshop

The Director of Planning asked the Planning Board members if there were any subjects that they could suggest for discussion at the Technical Workshop in September 12 and 13, 2017. Member Schoppmann suggested Travel Trailers as most municipalities are dealing with this issue. The Director of Planning said that he would also be suggesting a more clear definition of 'limited residential' as it applies to the Official Plan.

Members Mike Bigras and Jim Rook will be attending the workshop on behalf of the Planning Board.

Resolution 17-036

BE IT RESOLVED THAT Sudbury East Planning Board Members Mike Bigras and Jim Rook will attend the 2017 Planning Authorities Technical Workshop on Tuesday, September 12 and Wednesday, September 13, 2017 at the Holiday Inn, 1696 Regent Street, Sudbury.

MOVED BY: Ginny Rook

SECONDED BY: Jim Rook

Carried

10. BUSINESS ARISING FROM PREVIOUS MINUTES

a) Travel Trailer update from Board members.

The Director of Planning will present a draft by-law to each of the Ad Hoc Travel Trailer committee members and the member municipalities for review and input by each municipal council by June 8, 2017 at the latest. Member Lemmon asked how the Unincorporated Townships could deal with the Travel Trailer issue. The Director of Planning said that all of the issues were complaint driven and that formal complaints would have to be submitted to the Planning Board.

b) COOP Funding Update

The Director of Planning informed the Planning Board that Ministry of Municipal Affairs and Housing has approved the plan submitted by SEPB staff to incorporate the surplus \$4,600.00 generated by the COOP2016 Funding agreement. The surplus funds will be directed towards updating Zoning Conformity Permits and roads in the Unincorporated Townships in our CGIS mapping system. Member Schoppmann suggested that the Ministry of Natural Resources and Forestry might have a list of names for private or seasonal roads.

11 NOTICES OF MOTION RECEIVED BY THE SECRETARY-TREASURER PRIOR TO THE CLOSING OF THE MEETING

No Notices of Motion were received

12. PAYMENT OF VOUCHERS

a) March and April 2017

Resolution 17-037

BE IT RESOLVED THAT the statement of disbursements for the month of March 2017 in the amount of \$18,332.45 and April 2017 in the amount of \$17,328.01 to be distributed and is hereby approved for payment.

MOVED BY: Ginny Rook

SECONDED BY: Denny Sharp

Carried

13. ADJOURNMENT

Resolution: 17-038

BE IT RESOLVED THAT the Meeting be adjourned at 6:22 P.M.

AND THAT the next regular meeting be held on June 15th, at 5:30 P.M. at the Sudbury East Planning Board Office in Warren.

MOVED BY: Jim Rook

SECONDED BY: Carol Lemmon

Carried.



CHAIR



SECRETARY-TREASURER