

**SUDBURY EAST PLANNING BOARD
MINUTES
Thursday, December 7, 2017 at 5:30 p.m.
Sudbury East Planning Board Office
39 Lafontaine Street, Warren, Ontario**

MEMBERS PRESENT: Michel Bigras, Paul Schoppmann, Phil Belanger, Denny Sharp, Jim Rook, Ginny Rook, Heide Ralph, Carol Lemmon

MEMBERS ABSENT: Greg Hunt, Ned Whynott

OFFICIALS PRESENT: Matthew Dumont, Director of Planning/Secretary-Treasurer
Nancy Roy, Administrative Assistant

PUBLIC PRESENT: Kenneth Flinn, Paul Sharp, Claudette Ethier

1. MEETING CALLED TO ORDER

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

2. ADOPTION OF THE AGENDA

Resolution: 17-076

BE IT RESOLVED THAT the agenda for the Sudbury East Planning Board regular meeting of December 7, 2017 be adopted as distributed.

MOVED BY: Ginny Rook

SECONDED BY: Phil Belanger

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 October 12, 2017 be adopted as distributed.

Resolution: 17-077

BE IT RESOLVED THAT the minutes of the Sudbury East Planning Board's regular meeting of October 12, 2017 be adopted as distributed.

MOVED BY: Heide Ralph

SECONDED BY: Carol Lemmon

Carried

5. Presentation/Delegation

No Presentations or Delegations

6. ZONING BY-LAW AMENDMENT

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 October 18, 2017, being over twenty (20) days prior to this evenings meeting (ZBA 17-13SCR- Kenneth Flinn). 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 17-13SCR – Kenneth Flinn

Kenneth Flinn was present for questions or comments from the Board. The Director of Planning summarized the application.

The subject property is located on an Island, east side of Rintala Road and west of Secord Road. The subject lands are surrounded by rural land uses and abut the Wahnapitei River on their north, east, south, and west side.

Presently the subject property is vacant and undersized, but is a lot of record meaning that the parcel of land was legally created prior to the date of passing of this By-law. The lot is approximately 0.12 hectares in lot area with a lot frontage of approximately 168.0 metres. Due to the undersized parcel of land, the proposal to construct both a seasonal dwelling and a sewage disposal system is attainable, however requires reducing the setback to the Optimal Summer Water Level. Sudbury East Planning Board received a Consent Application to establish a right-of-way over the proposed severed lot and retained lot (Applications B/17-18/09/SCR) to provide access to the adjacent island as well as shared/private hydro services. Both applications were approved by the Planning Board in 2014 (Applications B/49-51/14/SCR). Therefore, access will continued to be provided to the subject lands.

The Official Plan Section 2.2.11.1 (4) states that limited residential development in the form of single detached dwellings may be permitted in areas designated "Rural" without requiring an amendment to this Plan, but may be subject to a rezoning.

With respect to zoning, the By-law will establish regulations from the Optimal Summer Water Level to permit the construction of a seasonal dwelling and a sewage disposal system to protect significant and sensitive natural features and functions of Wahnapitei River.

With respect to comments, the Board received one letter from a resident who was concerned about the proposed location of the septic system, flooding, and the CP/CN line.

No other comments were received through agency circulation.

It is recommended that the by-law be passed to recognize the intended use of the subject lands.

Mr. Flinn discussed that flooding was not an issue. Denny Sharp reassured the board that the Sudbury District Health Unit would give the approval before septic disposal system would be installed. Member Schoppmann questioned the remaining portion of the island which Mr. Flinn made him aware it was crown land.

Resolution: 17-078

BE IT RESOLVED THAT By-law Number 17-06 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 17-13SCR, submitted by Kenneth Flinn be read a first and second time this 7th day of December, 2017.

MOVED BY: Paul Schoppmann

SECONDED BY: Phil Belanger

Carried

Resolution: 17-079

BE IT RESOLVED THAT By-law Number 17-06 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 17-13SCR, submitted by Kenneth Flinn be read a third and final time this 7th day of December, 2017.

MOVED BY: Jim Rook

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, not later than 20 days after the giving of notice under Section 53(17) of the Planning Act, R.S.O. 1990, Chapter P.13 is completed, appeal the decision or any condition imposed by the Planning Board or appeal both the decision and any condition to the Ontario Municipal Board by filing with the Secretary-Treasurer a notice of appeal setting out the reasons for the appeal, accompanied by the fee prescribed under the Ontario Municipal Board Act. During this appeal period, no building permit may be issued or other work commenced.

7. CONSENT APPLICATIONS

The chair advised that a Public Hearing will be held before the Planning Board makes a decision on a Consent Application. 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 Consent Application; 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 60 metres of the property subject to the Consent Applications and to those persons and agencies likely to have an interest in the applications. The Notice was sent on November 21, 2017, being over fourteen (14) days prior to this evenings meeting (B/24/17/MW-Janet Pickett), (B/25/17/FR- Benjamin and Susan Hart)(B/26/17/FR-Carl and Melanie Lewis). 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) **B/24/17/MW- Janet Pickett**

No member of the public was present for questions or comments from the Board. The Director of Planning summarized the application. The subject property is located on Main Street North, in the Township of Hagar in the Municipality of Markstay-Warren. The purpose is to sever one (1) residential one (R1) lot which comprises of 0.14 hectares in lot area from the subject property and add such lands to the adjacent lot to the north (roll # 5208-000-004-387-10). The severed lands are presently vacant; however, a sewage disposal system was installed in 2016 which was partially located on the vacant residential lot. The lot addition will resolve the encroachment issue. The proposed enlarged lot (once the severed lot has been added) will have an approximate lot area of 0.28 hectares with a lot frontage of approximately 60.0 metres and presently contains a single-detached dwelling with an attached garage.

With respect to the Official Plan policies, the application complies with consent a policy which permits lot boundary adjustments.

With respect to zoning, the retained lot will no longer exist because the entire residential lot (0.14 hectares in lot area) will merge with the existing lot to the north which will continue to meet the minimum requirements of the Residential One (R1) Zone.

With respect to agency circulation, staff of the Municipality of Markstay-Warren had no comments or concerns.

No other comments were received through agency circulation or from the public.

The application can be supported from a planning perspective.

Member Paul Schoppmann brought forward his concerns with the sewage disposal system being partially installed on the adjacent lot in 2016 and reasoning behind it. Mr. Dumont stated that the single family home was constructed larger than anticipated which was a result of the sewage disposal system encroaching onto the adjacent property.

Resolution: 17-080

BE IT RESOLVED THAT Consent Application B/24/17/MW submitted by Janet Pickett be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Phil Belanger

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 provisional consent or the approval will lapse.

b) B/25/17/FR – Benjamin and Susan Hart

The Director of Planning summarized the application. The subject property is located on a private road which has on title a registered right-of-way from Highway 64 in the Municipality of French River.

The application proposes a lot addition with an area of approximately 0.02 hectares from the subject lands to be added to the adjacent lands to the immediate west. The property line runs close to the adjacent property to the west and into part of the front yard which is currently used for parking. The revised lot line will ensure sufficient lot area is available between the dwelling and property line, and to address parking and landscaping issues. Presently, the retained lands contain a singled-detached dwelling and accessory structure including a sleep cabin and shed. The severed lands are presently vacant.

With respect to zoning – the proposed lot addition will not require a minor variance to recognize the further reduced lot area which is below the minimum requirement of the zoning by-law because of extenuating circumstances such as the re-alignment of the lot boundary to resolve the parking constraint between both neighboring properties.

Comments were received from the Municipality of French River stating that “municipal drains, parkland dedication or road transfers are not applicable for the consent. The municipality had no issues or concerns.

No other comments were received through agency circulation or from the public.

The application can be supported from a planning perspective.

No comments or concerns were received from the public.

Resolution: 17-081

BE IT RESOLVED THAT Consent Application B/25/17/FR submitted by Benjamin and Susan Hart be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Carol Lemmon

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 provisional consent or the approval will lapse.

c) B/26/17/FR – Carl and Melanie Lewis

No one was present for questions or comments from the Board.

The Director of Planning summarized the application. The subject property is located on a private road which has on title a registered right-of-way from Highway 64 in the Municipality of French River.

The purpose of the Application for Consent is to effect a lot addition. The application will sever approximately 0.013 hectares (known municipally as 7953 A Highway 64) and add such lands to the adjacent property to the east (known municipally as 7953 B Highway 64).

With respect to the official plan, Section 4.5.1 outlines instances where consent is permitted, including lot boundary adjustment.

With respect to zoning, once the severance has been completed, it is proposed to have a lot area of 0.43 hectares and a lot frontage of 40 metres. A minor variance will not be required to recognize the further reduced lot area which is below the minimum requirement of the zoning by-law because of extenuating circumstances such as the re-alignment of the lot boundary to provide additional amenity space for the adjacent property.

Comments were received from the Municipality of French River stating that “municipal drains, parkland dedication or road transfers are not applicable for the consent. The municipality had no issues or concerns.

No other comments were received through agency circulation or from the public. The application can be supported from a planning perspective.

No comments or concerns were received from the public.

Resolution: 17-082

BE IT RESOLVED THAT Consent Application B/26/17/FR submitted by Carl and Melanie Lewis be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Heidi Ralph

SECONDED BY: Phil Belanger

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 provisional consent or the approval will lapse.

8. NEW BUSINESS

a) MMAH FUNDING 2018

RESOLUTION 17-083

BE IT RESOLVED THAT Whereas the Sudbury East Planning Board is conducting its 10-Year update for its New Official Plan as required under section 26(1) of the Planning Act of Ontario; and whereas the Ministry of Municipal Affairs and Housing provides funding through special grants for the Townships of the Province for special business cases;

Now therefore be it resolved that the Sudbury East Planning Board hereby approves the funding application to the Ministry of Municipal Affairs and Housing for the costs associated with the 10-year update of the Sudbury East Planning Area Official Plan as it pertains to the Unincorporated Townships of the Sudbury East Planning Area.

MOVED BY: Heide Ralph

SECONDED BY: Ginny Rook

Carried

b) MMAH FUNDING 2017 (Data Management Project- Final Report)

The Director of Planning presented the Board with a report outlining the project that was implemented by staff utilizing the remaining funds (\$4,924.72) from the COOP2016 funding. The first project was to set up the private road database with key contact information. This would be valuable for Local Roads Boards, emergency services and for the Planning Board staff. The second project involved setting up a database for all of the zoning conformity permits that have been issued by the Planning Board.

Resolution: 17-084

BE IT RESOLVED THAT whereas the Sudbury East Planning Board participated in the COOP2016 Participant Agreement with the Ontario Ministry of Natural Resources and Forestry; and WHEREAS the Ministry of Municipal Affairs and Housing provides funding through special grants for the Unincorporated Townships of the Province for Special Business Cases; and

WHEREAS THE Planning Board receive \$8,605.72 under the 2016-2017 funding, but had a remaining balance attributed to the Unincorporated Townships of \$4,924.72. Now therefore

BE IT RESOLVED that the Sudbury East Planning Board hereby approves the allocation of the surplus funding received by the Ministry of Municipal Affairs and Housing for the Data Management Project as it pertains to the Unincorporated Townships of the Sudbury East Planning Area in the amount of \$4,924.72 as per the report prepared by the Director of Planning.

MOVED BY: Phil Belanger

SECONDED BY: Denny Sharp

Carried

c) CGIS SLUSH FUND PROPOSAL

The Director of Planning presented the board with a Workflow proposal from CGIS to utilize the remaining 'Slush Fund' (\$6,260.00).

Resolution 17-085

BE IT RESOLVED THAT the Sudbury East Planning Board hereby authorizes the Chair and the Secretary-Treasurer to execute the Workflow Proposed Agreement with CGIS of \$6,260.00 to the Sudbury East Planning Board being the remaining balance of cost associated with the preparation of the Zoning By-law mapping update within the Board's Planning Area.

MOVED BY: Phil Belanger

SECONDED BY: Jim Rook

Carried

9. BUSINESS ARISING FROM PREVIOUS MINUTES

No new business

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

No Notices of Motion were received

11. PAYMENT OF VOUCHERS

a) October and November 2017

Resolution 17-086

BE IT RESOLVED THAT the statement of disbursements for the month of October 2017 in the amount of \$11,830.05 and the month of November 2017 in the amount of \$9,399.77 to be distributed and is hereby approved for payment.

MOVED BY: Paul Schoppmann

SECONDED BY: Ginny Rook

Carried

12. ADJOURNMENT

Resolution: 17-087

BE IT RESOLVED THAT the Meeting be adjourned at 6:44 P.M.

AND THAT the next regular meeting be held on February 8th, at 5:30 P.M. at the Sudbury East Planning Board Office in Warren.


MOVED BY: Carol Lemmon

SECONDED BY: Ginny Rook

Carried.



CHAIR



SECRETARY-TREASURER