

**SUDBURY EAST PLANNING BOARD  
MINUTES  
Thursday, May 19, 2016 at 5:30 p.m.  
Sudbury East Planning Board Office  
5 Dyke Street, Warren, Ontario**

**MEMBERS PRESENT:** Michel Bigras, Carol Lemmon, Heide Ralph, Ginny Rook, Jim Rook, Paul Schoppmann, Ned Whynott

**MEMBERS ABSENT:** Greg Hunt, Denny Sharp, Jim Stankovich

**OFFICIALS PRESENT:** Melissa Riou, Director of Planning/Secretary-Treasurer

**PUBLIC PRESENT:** Mike Bouffard, Marcel Boulais, James Dorland, Denis Roy

**1. MEETING CALLED TO ORDER**

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

**2. ADOPTION OF THE AGENDA**

**Resolution: 16-031**

**BE IT RESOLVED THAT** the agenda for the Sudbury East Planning Board regular meeting of May 19<sup>th</sup>, 2016 be adopted as amended to amend Item 12, to clarify to discuss personal matters about an identifiable individuals, including municipal or local board employees.

**MOVED BY:** Paul Schoppmann

**SECONDED BY:** Heide Ralph

**Carried.**

**3. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF**

No disclosure of pecuniary interest

**4. ADOPTION OF MINUTES**

a) Sudbury East Planning Board - Regular meeting of April 14, 2016

**Resolution: 16-032**

**BE IT RESOLVED THAT** the minutes of the Sudbury East Planning Board's regular meeting of April 14, 2016 be adopted as distributed.

**MOVED BY:** Ginny Rook

**SECONDED BY:** Ned Whynott

**Carried.**

**5. PRESENTATIONS/DELEGATIONS****a) Mike Bouffard – Proposal for Creation of 'Lot 1'**

Mr. Mike Bouffard provided a brief history of the applications, beginning in April 2009 with his application for five lots on a golf course, which he started developing in 2001 because a golf course was needed in that area of the municipality. In 2009 a couple of individuals approached him and would like to build on the land. He submitted an application which was passed unanimously by the Board. He went through all required steps, including submitting report from Terraprobe.

One condition was for re-zoning. Nobody was at the meeting, but one Council member had concerns with the adjacent farming operation and that is where the nightmare started. He's been here numerous times, he's gone from 5 lots, to 3 lots to try to mitigate the issues. He's been to the OMB twice, with all the costs associated with that including lawyer, planner and aggregate expert. He paid \$6,500 just for the subdivision application.

At the first OMB, he brought the application to the OMB because Council had wanted MDS calculations. He went to OMAFRA who said that he didn't need MDS because of the Open Space zoning. In the end, the Chair sided with the municipality

In the re-submission of the application, he had reduced the number of lots from 5 to 3 to try to mitigate the MDS. The new Council didn't need MDS. The neighbours appealed the approval of the application. The decision on the applications was received December 22, 2015. It was the same chair that did the second hearing. In the decision he said that the municipality, the planning board, the planner and OMAFRA were wrong and didn't give enough consideration to the neighbours. He opined that they did give the neighbouring farm operations consideration and that they tried to mitigate.

He wanted to appeal the decision, but the cost was tremendous, the lawyer alone would cost \$7,000.00 and it was just not feasible.

The reason he started this was to improve. He's put in a lot of sweat equity and people wanted the lots and had put down \$15,000.00. Now the neighbour who always told him he wanted Lot 5, would like Lot 1 of his original 5 lot proposal. Lot 1 is on the opposite side of the development than the lots that the neighbours had concern with. It does have an aggregate operation next to it, but he has no concern because there are other houses closer to the operation. He proposed resubmission of an application for 'Lot 1' as a consent and requested that he be charged only the re-circulation fee of \$200.00.

He explained that he is in 'survival mode' and is of the opinion that it would be considered good planning. He has to repay the \$15,000.00 that he received as down payment for the lot. The re-circulation fee will cause no additional cost to the board.

Board member Schoppmann commented that he understood that it has been a frustrating and long time. He questioned previous changes that had been made to the application, including the removal of 'Lot 1'. Mr. Bouffard clarified that it has been lots 2 & 3. Mr. Bouffard provided

additional clarification as to why he is seeking approval for 'Lot 1', specifically, a purchaser wants to build there and there is no issue with MDS.

Member Whynott commented on the requested re-circulation cost of \$200.00 when the application is starting over.

Member Schoppmann would like to see the ruling from the OMB and opinion from a lawyer. He commented that everything costs money. Board members discussed obtaining a legal opinion.

Mr. Bouffard advised that he had talked to all neighbours; he will have a letter from the pit owner and the farmers have no issue with the proposal.

Member Ralph commented that it might be in his best interest to wait a month.

Member Schoppmann commented that while getting legal advice, there is nothing stopping Mr. Bouffard from getting his applications ready.

The Board directed the Director of Planning to seek legal advice.

Member Schoppmann commented that it is a unique situation, some municipalities charge \$100.00 an hour for consultation with their planners.

Member Ralph commented on the cost to the Board and cost of the application.

Member Lemmon commented that she wasn't here at the time the applications were originally considered, but felt that Mr. Bouffard had paid a lot already and did everything that everybody asked.

Member Schoppmann requested clarification that re-circulation fee does not typically apply to a new application.

Mr Bouffard stated that he would pay the minimum \$200.00 considering what has happened in the past.

**Resolution: 16-033**

**BE IT RESOLVED THAT** consent and zoning by-law amendment application fees for the creation of 'Lot 1', to be submitted by Mike Bouffard, the Maples Golf, be equivalent to the re-circulation fee of \$200.00 per application.

**MOVED BY:** Ned Whynott

**SECONDED BY:** Ginny Rook

**Carried.**

**6. 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 April 28<sup>th</sup>, 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 16-03SCR – Giuseppina Cotesta**

Mr. Matthew Dumont, agent was present for questions or comments from the Board.

The Director of Planning summarized the application. The subject property is located on the north side of Horseshoe Lake Road in the Unincorporated Township of Secord. The application proposes to rezone the subject lands from the current 'Rural' classification to the 'Residential Rural' classification. The application is required to fulfill a condition of associated consent application B/43/15/SCR which proposed to sever the lot into one 2.0 hectare lot with 220 metres frontage and one 3 hectare lot with 110.7 metres lot frontage. The consent application was approved by the Board at its meeting of February 11, 2016.

With respect to Official Plan policies, pre-consultation was required with the local roads board regarding adequate access that will not create a traffic hazard, no issues with respect to MDS were identified, confirmation of adequate private water and sewer services were provided and no other constraints were identified in the Plan as affecting the property.

With respect to zoning, the current 'Rural' zoning requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100.0 metres. The lots approved through the consent application will no longer meet those minimum requirements, therefore rezoning was required to ensure the lots are appropriately zoned with the residential rural classification which requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres.

With respect to agency comments, no new comments were received through circulation. As noted with the consent application Bell Canada has requested an easement to protect the existing aerial cable, all costs of the transaction will be the responsibility of the property owner.

With respect to public consultation, no phone calls or other correspondence were received.

The application can be supported from a planning perspective.

There were no questions or comments from the Board.

**Resolution: 16-034**

**BE IT RESOLVED THAT** By-law Number 16-02 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 16-02SCR, submitted by Giuseppina Cotesta be read a first and second time this 19<sup>th</sup> day of May, 2016.

**MOVED BY:** Paul Schoppmann

**SECONDED BY:** Heide Ralph

**Carried**

**Resolution: 16-035**

**BE IT RESOLVED THAT** By-law Number 16-02 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 16-02SCR, submitted by Giuseppina Cotesta be read a third and final time this 19<sup>th</sup> day of May, 2016.

**MOVED BY:** Heide Ralph

**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 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 28, 2016 (B/07/16/FR – Marcel & Diane Boulais and Timothy & Mary Doherty) and April 27, 2016 (The PPSC 1 Co. Inc.) being over fourteen (14) days prior to this evening's meeting. Included with each Notice was an explanation of the purpose and effect of the proposed Consent and a key map showing the location of the

property. The circulations were provided in accordance with the provisions of The Planning Act, R.S.O. 1990, Chapter P.13.

**a) B/07/16/FR – Marcel & Diane Boulais and Timothy & Mary Doherty**

Mr. James Dorland, agent, and Mr. Marcel Boulais, applicant, were present for questions or comments from the Board.

The Director of Planning summarized the application. The subject property is located on Monette Road in the Township of Martland and has frontage on Shanty Bay. The application is for a lot addition, whereby Lot 5 of Plan M-696, which is owned by Timothy and Mary Doherty be divided in half. The northerly portion will be added to the lot owned by Marcel & Diane Boulais, known municipally as 29 Monette Road, and the southerly portion will be added to the lot to the south owned by Timothy and Mary Doherty, known municipally as 5 Monette Road.

The lot is significantly undersized and is vacant. The application is related to an application for minor variance which requested a reduced setback from the optimal summer water level of 13.76 metres instead of the required 20.0 metres for a detached garage. The lot addition will provide additional building area for the proposed detached garage and ensure that maximum lot coverage is not exceeded and that the structure will meet the required interior side yard setback. The minor variance was approved by the Committee of Adjustment for the Municipality of French River at its meeting of May 9, 2016.

With respect to Official Plan policies, section 4.5.1 allows for lot additions and boundary adjustments. In this case, the application will result in the loss of a lot – however, that lot was significantly undersized, being only 996 m<sup>2</sup> and with an approximate depth of 23.5 metres and would not be suitable for building based on today's setback requirements.

With respect to zoning, all lots, both severed and enlarged, are zoned Waterfront Residential. All lots are undersized with respect to the current requirements of the by-law, however are existing lots of record and section 6.26(c) provides that where lands are added to an existing undersized parcel, such lot is deemed to comply with the zoning by-law, therefore no variance is required to recognize the reduced lot area. All other provisions of the by-law are complied with. The associated minor variance will facilitate the construction of a detached garage on the enlarged northly lot owned by the Boulais'.

With respect to agency circulation, the Clerk of the Municipality of French River advised that Monette Road is a seasonal road, not maintained year round. No other comments were received through agency circulation.

Staff is of the opinion that the application can be supported from a planning perspective.

Member Lemmon requested clarification as to who owns the lot to be severed.

Member Rook questioned whether there was known issues with flooding in the area. The

Director of Planning and the Chair advised of the location and that flooding is not known to occur in the area.

Member Schoppmann commented that it seems to be a win-win situation for all involved.

**Resolution: 16-036**

**BE IT RESOLVED THAT** Consent application B/07/16/FR – Marcel & Diane Boulais and Timothy & Mary Doherty be recommended for approval as per the report prepared by the Board's Director of Planning.

**MOVED BY:** Heide Ralph

**SECONDED BY:** Jim Stankovich

**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.

b) B/08/16/FR – The PPSC 1 Co. Inc.

The Director of Planning summarized the application. The subject property is located on Highway 64 in the Township of Cosby, in the Municipality of French River. The land consists of six (6) parcels of land which have merged on title at various times in the past due to the pattern of ownership. Two of the parcels contain existing dwellings and agricultural structures, being 3273 and 3151 Highway 64, while the remaining four (4) are vacant, with much of the land in agricultural production.

The application proposes to sever parcel 10576, municipally known as 3273 Highway 64, from the other parcels of land. The proposed lands to be retained by the PPSC 1, will have an area of 31 hectares and a frontage of 100.0 metres, while the lands to be severed and conveyed will have an approximate area of 192.2 hectares and a frontage of 1.1 kilometres on Highway 64.

The application is consistent with Official Plan policies related to consents, and each of the proposed lots will continue to meet the requirements of the Rural Zone.

With respect to agency comments, the Clerk for the Municipality of French River advised that with respect to Municipal drain, both the Carriere Drain and the Highway 64 drain are apportioned properly.

MTO advised that the severed and retained lots have existing entrances, but that new entrance

permits will be required to reflect the change of ownership.

No comments were received through public consultation.

The application can be supported from a planning perspective.

Member Schoppmann commented on merging of abutting farm parcels and the responsibility of lawyers.

Member Ralph asked whether there were policies dealing with the separation of merged parcels. The Director of Planning clarified that the Official Plan does contain policies supporting the separation of merged parcels, but that current standards with respect to lot requirements would still be considered.

**Resolution: 16-037**

**BE IT RESOLVED THAT** Consent application B/08/16/FR – The PPSC 1 Co. Inc. be recommended for approval as per the report prepared by the Board’s Director of Planning.

**MOVED BY:** Ned Whynott

**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, 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.

**8. NEW BUSINESS**

**9. BUSINESS ARISING FROM PREVIOUS MINUTES**

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

There were no notices of motion received by the Secretary-Treasurer prior to the closing of the meeting.

**11. PAYMENT OF VOUCHERS**

a) April 2016

**Resolution: 16-038**



**BE IT RESOLVED THAT** the statement of disbursements for the month of April 2016 in the amount of \$21,409.12 to be distributed and is hereby approved for payment.

**MOVED BY:** Ginny Rook  
**SECONDED BY:** Heide Ralph  
**Carried.**

**12. CLOSED SESSION**

- a) For the purpose of discussing personal matters about an identifiable individual, including municipal or local board employees.

**Resolution: 16-039**

**BE IT RESOLVED THAT** the Sudbury East Planning Board proceed to a closed session as per Section 239(2)(b) of the Municipal Act for the purpose of discussing personal matters about an identifiable individual, including municipal or local board employees.

**MOVED BY:** Ned Whynott  
**SECONDED BY:** Heide Ralph  
**Carried.**

**Resolution: 16-040**

**BE IT RESOLVED THAT** the Sudbury East Planning Board return to a public forum.

**MOVED BY:** Ginny Rook  
**SECONDED BY:** Jim Rook  
**Carried.**

The Chair advised that a closed meeting was held. The one item considered was respecting an identifiable individual. There is nothing further to report.

**13. ADJOURNMENT**

**Resolution: 16-041**

**BE IT RESOLVED THAT** the Meeting be adjourned at 6:43 P.M.

**AND THAT** the next regular meeting be held on June 9<sup>th</sup>, 2016 at 5:30 P.M. at the Sudbury East Planning Board Office in Warren.

**MOVED BY:** Heide Ralph  
**SECONDED BY:** Jim Rook  
**Carried.**

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*Michael Babin*

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CHAIR

*M. B.*

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SECRETARY-TREASURER