

**SUDBURY EAST PLANNING BOARD  
MINUTES  
Thursday, December 8, 2016 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, Jim Stankovich, Ned Whycott

**MEMBERS ABSENT:** Greg Hunt, Heide Ralph, Denny Sharp

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

**PUBLIC PRESENT:** Marc Gagnon, Dr. Duncan McMillan

**1. MEETING CALLED TO ORDER**

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

**2. ADOPTION OF THE AGENDA**

**Resolution: 16-100**

**BE IT RESOLVED THAT** the agenda for the Sudbury East Planning Board regular meeting of December 8<sup>th</sup>, 2016 be adopted as distributed.

**MOVED BY:** Jim Stankovich

**SECONDED BY:** Ginny Rook

**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 13, 2016

**Resolution: 16-101**

**BE IT RESOLVED THAT** the minutes of the Sudbury East Planning Board's regular meeting of October 13, 2016, be adopted as distributed.

**MOVED BY:** Paul Schoppmann

**SECONDED BY:** Jim Stankovich

**Carried**

## 5. PRESENTATIONS/DELEGATIONS

There were no presentations and/or delegations.

## 6. 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 November 9, 2016 (B/26/16/FR – Kenneth and Deborah Owen), November 14, 2016 (B/27/16/SC – Alexandra Linnen) and November 16 (B/23/16/COX – David and Kim Niwranski) (B/25/16/FR – Daniel and Cathryn Charles) 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/23/16/COX – David and Kim Niwranski**

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

The Director of Planning summarized the application. The subject property is located on the eastern shore of Crooked Lake (PIN 73440-0022). The application is to create a right-of-way over the subject property to provide legal access over those lands to benefit the adjacent lands that are located southernmost of the subject property (PIN 73440-0017). The right-of-way forms a portion of a longer road which travels from Highway 69 across Crown lands, then across the subject property, exiting to the south, travelling again over Crown lands to a commercial lodge and marina called "Crooked Lake Lodge". The right-of-way will provide continuous access over that portion of private land to the lodge for its guest and parking facilities for approximately thirteen other properties.

The Official Plan permits consents for the creation of right-of-way's. With respect to zoning, the lot has 115.0 metres of lot frontage and a lot area of 0.87 hectares, which conforms to the Zoning By-law for Waterfront Residential Zone.

The District Planner for the Ministry of Natural Resources and Forestry advised that they have no concerns with the proposed right-of-way. The agency stated the following; *"This option is preferable to a proposal for new access across Crown land"*.

Bell Canada advised that they have no objections, however, stated "Bell Canada has existing facilities and would request that we have access for maintenance and if lands are to be conveyed in

the future that we would require a transfer of easement”.

Hydro One advised that they have no concerns or comments.

No other comments were received as of the date this report was written.

Member J. Rook asked if the 13 lots to the south have been developed and if so, if all the septic systems are up to date. Crooked Lake drains into the French River and levels of phosphorous have reached high levels due in part to poorly maintained septic systems. The Director of Planning said that the lots are developed but that the septic systems would not fall under the scope of the Sudbury East Planning Board

**Resolution: 16-102**

**BE IT RESOLVED THAT** Consent Application B/23/16/COX submitted by David and Kim Niwranski be recommended for approval as per the report prepared by the Director of Planning.

**MOVED BY:** Jim Stankovich

**SECONDED BY:** Ned Whynott

**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/25/16/FR – Daniel and Cathryn Charles**

Dr. Duncan McMillan, adjacent land owner, was present from the public for questions or comments from the Board.

The Director of Planning summarized the application. The purpose of the Application for Consent is to effect a lot addition to sever lands from 410 A Turenne Road and have such lands added to an adjacent Waterfront Residential lot to grant road access from Turenne Road (422 B Turenne Road). The proposed retained lot is to be approximately 0.72 hectares in lot area with a lot frontage (waterfront) of approximately 35.96 metres and contains a single detached dwelling. The proposed severed property is to be approximately 0.08 hectares in lot area, as per MPAC comprehensive report. The subject lands directly abut the former Victor Road allowance which was recently transferred to abutting land owners.

In addition, 422 A Turenne Road is abutting the subject property to the west (410 A Turenne Road) and to the east (422 B Turenne Road), abutting the subject property who is benefitting from the lot addition to perpetuate an easement in the nature of a right-of way. As a result, 422 A Turenne Road

appears to no longer have legal road frontage, however, on title there is a registered easement in the nature of a right-of-way described as LT548703 and LT548704, which will continue to grant the subject property access in the future. Therefore, 422 A Turenne Road is technically not 'landlocked'.

The Municipality of French River has completed a reference plan and transferred each of the parts to the appropriate owner and registered required right-of-way to provide legal access from Turenne Road to the lots along the Bay of French River.

The Official Plan permits lot boundary adjustments or lot additions such as this

With respect to zoning, the resulting lots will have areas of approximately 0.32 ha (Barry and Nancy Cooper – newly enlarged) and 0.72 ha (Daniel and Cathryn Charles – after severance). Section 6.26(c) of the Zoning By-law provides that where lands are added to an existing undersized parcel, that such lot is deemed to comply with the minimum lot area requirements, therefore no variance is required to recognize the reduced lot area

With respect to agency review – no comments or concerns were received.

Dr. Duncan McMillan asked if the existing roadway would exist in perpetuity, he would like to make sure of this. The Director of Planning assured Dr. McMillan that there would be no concerns with access to his property. The Planning Board Office will send Dr. McMillan a copy of the survey 53R-18083. Dr. McMillan stated that he has a fence and gate at the property line. He was told by an adjacent land owner that it had to be 10 feet back from the property line. Member Schoppmann asked is the application owners were aware of the survey. The Director of Planning said yes, they were aware.

**Resolution: 16-103**

**BE IT RESOLVED THAT** Consent application B/25/16/FR submitted by Daniel and Cathryn Charles be recommended for approval as per the report prepared by the Director of Planning.

**MOVED BY:** Jim Rook

**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 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.

**c) B/26/16/FR – Kenneth and Deborah Owen**

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

The Director of Planning summarized the application. The subject property is located on south side of Highway 64 in the Township of Mason and proposes to sever and create one (1) waterfront residential lot with an approximate area of 14.0 hectares, having 91.0 metres of frontage on French River. The proposed retained lands are to have an approximate area of 14.0 hectares and a frontage of 92.0 metres on French River. Each of the proposed lands (severed and retained) have access on a provincial highway (Highway 64). The associate application for a Zoning By-law Amendment (ZBA 16-09FR to be held December 14, 2016) is requesting a change in the zoning from Rural (RU) to Waterfront Residential (WR).

With respect to Official Plan policies, Section 2.2.11.1(12) of the Official Plan, the proposal does not require a change in designation from "Rural" to "Waterfront Residential" due to the small scale and scope of the proposal, which is to create one new lot. All implementing zoning by-laws and amendments thereto shall be in conformity with the provisions of the Official Plan.

Section 3.5.2.5 contains policies respecting Significant Habitat of Endangered and Threatened Species. The applicants have submitted a Species at Risk Screening prepared by RiverStone Environmental Solutions. RiverStone recommended the following measures to mitigate potential impacts to species at risk:

- Site alteration should not occur within the portions of the subject property identified as potential habitat for Species at Risk. If development is proposed within these areas at a future date, then additional targeted surveys should be completed.
- Vegetation removal should not occur on the property between May 1 and July 31 as this time corresponds with the peak nesting period for species at risk birds. If development and site alteration is going to occur in this period, a nest survey should be completed by a qualified professional. Vegetation removal and disturbance outside of the development envelopes should be minimized

With respect to zoning, the minimum lot area and the minimum lot frontage for new lot creation in the Waterfront Residential Zone (WR) is 0.80 hectares and 60.0 metres respectively; the proposed severed and retained lot would comply with these regulations.

With respect to agency comments, the staff of the Municipality of French River had no objections or concerns.

The Ministry of Natural Resources and Forestry concurred with the final protective recommendations made by RiverStone Environmental Solutions with respect to the protection of significant habitat.

The Ministry of Transportation had no objections, but requested that the following notes be added: *"An MTO building/land use permit will be required for any proposed buildings, septic systems, wells etc. located within 45.0 metres of the MTO right-of-way (ROW) limits or within a 180.0 metres radius of intersections. An MTO Entrance permit will be required prior to the construction of any new entrances or to reflect any changes in land ownership."*

Bell Canada had no concerns with the application.

The Sudbury District Health Unit was supportive of the consent application.

No other comments were received as of the date this report was written.

The application can be supported from a planning perspective.

**Resolution: 16-104**

**BE IT RESOLVED THAT** Consent application B/26/16/FR submitted by Kenneth and Deborah Owen be recommended for approval as per the report prepared by the Director of Planning.

**MOVED BY:** Ginny Rook

**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.

d) **B/27/16/SC – Alexandra Linnen**

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

The Director of Planning summarized the application. The purpose of the Application for Consent is to sever a portion of one Rural (RU) lot which comprises of 0.24 hectares, from the subject property and add such lands to an adjacent lot, 664 Pothier Road. The proposed retained lot is to be approximately 63.5 hectares in lot area with a lot frontage of approximately 240.0 metres and contains a single detached dwelling and accessory structures, including a detached garage, shed, and barn. The associated application for Zoning By-law Amendment (ZBA 16-10SC, the public hearing is to be considered on December 21, 2016) is to ensure that the entire enlarged parcel is under a single zone classification. The proposed lot to be enlarged through the consent application will be zoned from Rural (RU) to Residential Rural (RR). The lands to be retained are zoned Rural (RU) and will maintain the Rural zone classification.

Lot boundary adjustments, such as what is proposed is permitted by the policies of the Official Plan.

Once the rezoning is approved, the lot to be retained will continue to meet the requirements of the Rural Zone and the entire enlarged parcel will meet the requirements of the Rural Zone.

This application was circulated to those agencies that were considered to have an interest in the proposal. The staff of the Municipality of St. Charles had no objections or concerns. Bell Canada had no concerns with the application.

No other comments were received as of the date this report was written.

The application can be supported from a planning perspective.

**Resolution: 16-105**

**BE IT RESOLVED THAT** Consent application B/27/16/SC submitted by Alexandra Linnen be recommended for approval as per the report prepared by the Director of Planning.

**MOVED BY:** Jim Rook

**SECONDED BY:** Paul Schoppmann

**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.

**7. NEW BUSINESS**

**a) 2016 Budget Review**

A report prepared by the Administrative Assistant was presented to the Board with a short summary of the 2016 Budget to November 30, 2016. No concerns were raised.

**b) Cuets Signing Authority**

**Resolution: 16-106**

**BE IT RESOLVED THAT** the Sudbury East Planning Board confers all matters pertaining to CUETS Financial Payment Processing (MasterCard) Michel Bigras, Chairperson, Matthew Dumont, Director of Planning/Secretary-Treasurer and Karen Beaudette, Administrative Assistant. MasterCard may be issued for Matthew Dumont, Director of Planning as an authorized user and Karen Beaudette as an authorized user.

**MOVED BY:** Jim Stankovich

**SECONDED BY:** Jim Rook

**Carried**

**c) Travel Trailer Report**

A report prepared by the Director of Planning was presented to the Board, copy attached. Member Schoppmann stated that travel trailers are a large issue in St. Charles this year with many occurrences of contravention. French River is also having issues with contravention. Member Lemmon stated that this is also a problem in the Unincorporated Townships with enforcement. Member G. Rook asked if trailers had been on a property for a long time, would they be considered grandfathered? The Director of Planning stated that travel trailers are not considered a structure according to the Ontario Building

Code. Member J. Rook asked if he drove his trailer to a property and parked it from June 1 to October 1 would this be legal. The Director of Planning said that there is a temporary use by-law for 60 days. Member Whycott stated that this a common problem on all of the lakes in the area and is a challenge to enforce. There has to be a process in place to control this.

It was agreed by all members that the Director of Planning contact the Chief Building Officials for all the member municipality's and have them present a report in conjunction with the Director of Planning. The report should have more information citing case law and history of similar issues and how they are being dealt with in other municipality's. The report should also include a recommendation to the Board.

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

No Notices of Motion were received

**9. PAYMENT OF VOUCHERS**

a) October 2016 and November 2016

**Resolution 16-107**

**BE IT RESOLVED THAT** the statement of disbursements for the month of October 2016 in the amount of \$21,269.72 and November 2016 in the amount of \$9,908.87 to be distributed and is hereby approved for payment.

**MOVED BY:** Jim Stankovich

**SECONDED BY:** Ginny Rook

**Carried**

**12. ADJOURNMENT**

**Resolution: 16-108**

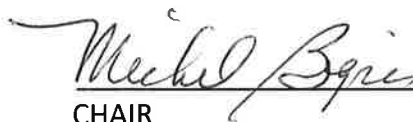
**BE IT RESOLVED THAT** the Meeting be adjourned at 6:43 P.M.

**AND THAT** the next regular meeting be held on January 12<sup>th</sup>, 2016 at 5:30 P.M. at the Sudbury East Planning Board Office in Warren.

**MOVED BY:** Jim Rook

**SECONDED BY:** Jim Stankovich

**Carried.**

  
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CHAIR

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SECRETARY-TREASURER