

**SUDBURY EAST PLANNING BOARD
MINUTES
Thursday, March 8, 2018 at 5:30 p.m.
Sudbury East Planning Board Office
39 Lafontaine Street, Warren, Ontario**

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

MEMBERS ABSENT: Denny Sharp, Greg Hunt, Ginny Rook

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

PUBLIC PRESENT: Claude Bouffard, Ben Demore, Richard P. (Moore Propane representative)

1. MEETING CALLED TO ORDER

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

2. ADOPTION OF THE AGENDA

Resolution: 18-011

BE IT RESOLVED THAT the agenda for the Sudbury East Planning Board regular meeting of March 8, 2018 be adopted as distributed.

MOVED BY: Jim 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 February 8, 2018 be adopted as distributed.

Resolution: 18-012

BE IT RESOLVED THAT the minutes of the Sudbury East Planning Board's regular meeting of February 8, 2018 be adopted as distributed.

MOVED BY: Paul Schoppmann

SECONDED BY: Jim Rook
Carried

5. PRESENTATION/DELEGATION

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 February 15, 2018, being over twenty (20) days prior to this evenings meeting (ZBA 18-01SCR – 1905212 Ontario Limited) (ZBA 18-02BRW – John Goode). 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 18-01SCR – 1905212 Ontario Limited

Richard P. was present to represent Moore Propane for questions or comments from the board. The Director of Planning summarized the application. The subject property is located at 8550 Estaire Road in the unincorporated township of Secord.

The proposed amending by-law would add a Special Provision to the current industrial Rural Zone to and will increase the storage amount to 90,000 United States Water Gallons propane dispenser tank (s), in addition to the existing 2,000 USWG dispenser tank.

Moore Propane completed an up-to-date 2018 Review of Level 2 Risk and Safety Management Plan (RSMP) to address an increase of propane tank storage capacity to 90,000 United States Water Gallon propane dispenser tank at the filling plant at 8350 Estaire Road. 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 preformed a Quantitative Risk Assessment, a standard for “acceptable” level of risk through the Technical Standards and Safety Authority (TSSA), which concluded that the risk of fatality from an accidental propane release involving the largest vessel at the bulk filling plant is “acceptable”.

The application complies with the policies of the Official Plan because the industrial use is promoted in the Rural Policy Area.

With respect to zoning, the Zoning By-law will establish provisions for an increase of propane tank storage capacity to 90,000 USWG propane dispenser tank, along with the existing 2,000 USWG dispenser tank, minimum lot area (0.93 hectares), and minimum interior side yard (3.2 meters).

With respect to comments, the Board received comments from the Ministry of Transportation who

had no objection with the proposal. MTO did suggest that the applicant may need permits in the future.

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.

The application can be supported from a planning perspective.

Board member Whycott asked if the risk factor was greater now with the enlarged tanks. Richard P. (Moore Propane representative) commented that all the necessary adjustments will be updated in order to be within the Level 2 Risk and Safety Management Plan (RSMP). The Director of Planning also stated that the proposal must satisfy TSSA guidelines prior to approval.

Resolution: 18-013

BE IT RESOLVED THAT By-law Number 18-01 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 18-01SCR, submitted by 1905212 Ontario Limited be read a first and second time this 8th day of March, 2018.

MOVED BY: Phil Belanger

SECONDED BY: Heide Ralph

Carried

Resolution: 18-014

BE IT RESOLVED THAT By-law Number 18-01 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 18-01SCR submitted by 1905212 Ontario Limited be read a third and final time this 8th day of March, 2018.

MOVED BY: Heide Ralph

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.

b) ZBA 18-02BRW – John Goode

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

The subject property is located at 239 Chamberland Road in the Unincorporated Township of Burwash which is surrounded by waterfront residential to the west and east. Crown lands abut to the south. Nepewassi Lake abuts to the north. It appears that Chamberland Road traverses through the subject property based on the aerial photography.

The proposed amending by-law would add a Special Provision to the current Waterfront Residential Zone to permit two (2) seasonal dwellings for a period not to exceed one (1) year from the date of the passing of this By-law.

The applicant intends to demolish the existing cottage that was constructed in 1951 once the newly constructed dwelling is completed, which will be located directly south of the existing dwelling.

With respect to Official Plan policies, only one dwelling is permitted on a Waterfront Property as well as one sleep cabin, provided it complies with the provisions of the zoning by-law. At present, it does not comply, but would if one dwelling were removed or converted to other use.

With respect to zoning, the lot is undersized compared to the current area and frontage requirements, but is recognized as an existing lot of records. The existing cottage was constructed in 1951 and has a setback from the shoreline of approximately 17.7 metres. The lot would be deemed to comply with the lot requirements of the Zoning By-law by virtue of Section 6.26 to Zoning By-law 14-01

Upon a site visit on February 13th, 2018, it was determined the dwelling has already been partially constructed (the shell of the structure is enclosed with plywood), therefore, presently, the subject property is in contravention with the zoning by-law. In addition, if the zoning by-law amendment is approved by the Planning Board, the issuance of the Zoning Conformity Permit will be subject to a post construction fee.

With respect to agency circulation, no comments or concerns were received.

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

It is recommended that the by-law be passed to recognize the intended use of the subject lands. Director of Planning advised The Board that the applicant will require approvals from SDHU for a septic system and/or inspection with respect to the existing septic.

Resolution: 18-015

BE IT RESOLVED THAT By-law Number 18-02 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 18-02BRW, submitted by John Goode be read a first and second time this 8th day of March, 2018.

MOVED BY: Ned Whynott

SECONDED BY: Phil Belanger

Carried

Resolution: 18-016

BE IT RESOLVED THAT By-law Number 18-02 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 18-02BRW submitted by John Goode be read a third and final time this 8th day of March, 2018.

MOVED BY: Jim Rook

SECONDED BY: Ned Whynott

Carried

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 60.0 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 February 21, 2018, being over fourteen (14) days prior to this evenings meeting (B/04/18/KL-Estate of Alwyn Gerald Hooson), (B/05/18/MW- Brian and Sarah). 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/04/18/KL- Estate of Alwyn Gerald Hooson

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 approximately 2.5 kilometers west of Highway 69 and south of the Key River.

The purpose of this consent application is to correct the Planning Act infraction that occurred in the transfer. The transfer from Alwyn G. Hooson to Cathy Marcotte and Gerald Hooson happened without obtaining Planning Act consent while Alwyn G. Hooson retained ownership of the subject property to the west. The proposed severed lot is to be approximately 0.35 hectares in lot area with a lot frontage of approximately 45.0 metres and contains a seasonal dwelling (built in 1980). The proposed retained lot is to be approximately 0.41 hectares in lot area with a lot frontage of approximately 46.0 metres and contains a seasonal dwelling (built in 1967) and a shed.

The application complies with the policies of the Official Plan.

With respect to zoning, the 'Waterfront Residential (WR)' Zone minimum lot area and the minimum lot frontage are 0.80 hectares and 60.0 metres respectively. The proposed lot to be severed has an area of 0.35 hectares with a lot frontage of 45.0 metres which is below the requirements of the WR Zone and the retained lot which has an area of 0.41 hectares with a lot frontage of 46.0 metres which is also below the requirements of the WR Zone. Both the severed lot and retained lot would apply to Section 6.26 (a) of the Zoning By-law provides that where an existing lot has less than the minimum lot area or minimum lot frontage than is required herein, and the lot was legally created prior to the passing of this By-law then the lot shall be deemed to comply with the requirements of this By-law with respect to lot area and lot frontage, therefore no variance is required to recognize the reduced lot area and lot frontage.

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

There were no comments or questions from the Board.

Resolution: 18-017

BE IT RESOLVED THAT Consent Application B/04/18/KL submitted by Estate of Alwyn Hooson be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Heide Ralph

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.

b) B/05/18/MW – Brain and Sarah Wright

The Director of Planning summarized the application. The lands are located on the east side of Main Street, approximately 185.0 metres south of Highway 17. The subject lands abut the settlement boundary for the Village of Markstay-Warren to the east and are surrounded by rural uses to the east and southeast and residential uses to the immediate north and south.

The purpose of the Application for Consent is to effect a lot addition of approximately 944 m² to be severed from the above noted property and to be added to the adjacent property to the east to provide legal access to the subject lands.

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

With respect to zoning, the subjects lands are already zoned Rural (RU) as well as the lands which are benefitting from the lot addition are zoned Rural (RU). Both the retained lot and severed lots will continue to meet the minimum requirements of the Rural (RU)zone.

The respect to agency circulation, both Hydro One and Bell Canada had no concerns. No other comments were received through agency circulation or from the public.

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

There were no other comments or questions from the Board.

Resolution: 18-018

BE IT RESOLVED THAT Consent Application B/05/18/MW submitted by Brian and Sarah Wright be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Paul Schoppmann

SECONDED BY: Heide Ralph

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) -Director Of Planning (Review of RFP)

A Draft Request For Proposals (RFP) for the upcoming New Official Plan prepared by the Director of Planning was presented to the board. Board member Whynott and Rook questioned if the estimated New Official Plan cost of \$100,000 was an amount the Director Of Planning was “comfortable” with. The Director of Planning stated that with reviewing other planning boards experiences, it is a fair estimate to guide by. Board members gave the Director of Planning the go ahead to receive proposals from consultants for the RFP.

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) February 2018

Resolution 18-019

BE IT RESOLVED THAT the statement of disbursements for the month of February 2018 in the amount of \$14,398.94 to be distributed and is hereby approved for payment.

MOVED BY: Heide Ralph

SECONDED BY: Ned Whynott

Carried

12. ADJOURNMENT

Resolution: 18-020

BE IT RESOLVED THAT the Meeting be adjourned at 6:15 P.M.

AND THAT the next regular meeting be held on April 12th, at 5:30 P.M. at the Sudbury East Planning Board Office in Warren.

MOVED BY: Heide Ralph

SECONDED BY: Phil Belanger

Carried.



CHAIR



SECRETARY-TREASURER