

**SUDBURY EAST PLANNING BOARD
MINUTES
Thursday, April 12, 2018 at 5:30 p.m.
Sudbury East Planning Board Office
39 Lafontaine Street, Warren, Ontario**

MEMBERS PRESENT: Michel Bigras, Denny Sharp, Phil Belanger, Heide Ralph, Greg Hunt, Ned Whynott

MEMBERS ABSENT: Paul Schoppmann, Jim Rook, Ginny Rook, Carol Lemmon

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

PUBLIC PRESENT: None

1. MEETING CALLED TO ORDER

Chair Bigras called the meeting to order at 5:36 p.m.

2. ADOPTION OF THE AGENDA

Resolution: 18-021

BE IT RESOLVED THAT the agenda for the Sudbury East Planning Board regular meeting of April 12, 2018 be adopted as distributed.

MOVED BY: Heide Ralph

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 March 8, 2018 be adopted as distributed.

Resolution: 18-022

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

MOVED BY: Phil Belanger

SECONDED BY: Ned Whynott

Carried

5. PRESENTATION/DELEGATION

6. ZONING CONFORMITY PERMITS

a) First Quarter 2018

The Zoning Conformity Permits issued for the First Quarter of 2018 were presented to the Board.

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 March 26, 2018, being over fourteen (14) days prior to this evenings meeting (B/06/18/SC-Joseph Vollering), (B/07-08/18/MW- Luc and Adelle Leger),(B/09-10/18/MW – Luc and Adelle Leger), (B/11/18/MW – Katherine Marie Hall). 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/06/18/SC- Joseph Vollering

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 on the north side of West Arm (Lake Nipissing), south of Northshore Road and north of Crown Land. The subject lands are in an area of Waterfront Residential (WR) uses.

The application will sever approximately 10 m² and add such lands to the adjacent property to the west. The proposed retained lot is to be approximately 0.39 hectares in lot area with a lot frontage of approximately 29.18 metres and contains a seasonal dwelling and accessory structures including two (2) detached garages and a boathouse. The proposed enlarged lot (once the severed lot had been added) will have an approximate lot area of 0.26 with a lot frontage of 24.68 metres.

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 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 encroachment issues relating to the garage that was built in 2012.

With respect to agency comments;

Municipality of St. Charles: No objections or comments with the application.

The application meets the policies of the PPS and OP with respect to limited rural development on appropriate services.

The application complies with the policies of the Official Plan.

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

Member Sharp brought forward the question of how did the owners come about to realize the garage was over lapping on the neighbouring property? The Director of Planning stated that the adjacent owner obtained a survey which at that point it was brought to the attention of Mr. Vollering.

Resolution: 18-023

BE IT RESOLVED THAT Consent Application B/06/18/SC submitted by Joseph Vollering be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Heide Ralph

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 Local Planning Appeal Tribunal Act.

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

b) B/07-08/18/MW – Luc & Adelle Leger

No member of the public was present for questions or comments from the Board. The Director of Planning summarized the application.

Proposal is to sever two (2) rural lots from the subject property. The lands are located west of Highway 535 and south of Husky Trail Road. The first proposed severed lot (B-07) is to be approximately 6.27 hectares in lot area with a lot frontage of approximately 159.0 metres and is presently vacant. The second severed lot (B-08) is to be approximately 7.46 hectares in lot area with a lot frontage of approximately 172.0 metres and is currently vacant. The proposed retained lands are to be approximately 11.7 hectares in lot area with a lot frontage of approximately 312.0 metres and contain a single-detached dwelling and accessory buildings including a detached garage, a barn, and two sheds.

With respect to Official Plan policies, no constraints were identified and/or natural heritage and with respect to the criteria for creation of new lots in section 4.5.1 – the severed and retained lots are of adequate size for their respective zones and the applicant has provided the required documentation to demonstrate site suitability, reasonable expectation of potable water and capacity for hauled sewage.

With respect to zoning, the proposed retained lot and severed lots will remain under the current rural zoning.

With respect to agency comments;

Ministry of Transportation: has no objection to the proposed severance. Access to the severed lots must be accessed via municipal roads (i.e. Husky Trail Road), as direct access to Highway 535 will not be permitted. It is the preference of MTO entrances along municipal roads be at least 85.0 metres from the intersection of Highway 535 and Husky Trail Road.

Ministry of Natural Resources and Forestry: Comments received on April 12, 2018 (Sent out on February 28th, 2018). The Atlas of the Breeding Birds of Ontario (OBBA) indicates potential for the following Threatened species: Barn Swallow, Bobolink and Whip-poor-will. In addition, the proposed severances are within 2 km of a Blanding's Turtle occurrence and it would be appropriate for a presence/absence survey to be undertaken. Due to my preliminary review of the CGIS data for land use constraints and natural heritage, no items were identified and therefore, in my opinion, the above noted requirements from MNFR are not required.

Hydro One: No comments or concerns.

The application can be supported from a planning perspective.

Member Whynott mentioned the size of the adjacent lot to the severed lots and was concerned if the size would be an issued for future construction. The Director of Planning informed him that the adjacent property is a lot of record, meaning the lot or parcel of land was legally created prior to the date of passing of the by-law. A potential buyer can build as long as the regulations are met in the by-law.

There were no other comments or questions from the Board.

Resolution: 18-024

BE IT RESOLVED THAT Consent Application B/07-08/18/MW submitted by Luc and Adelle Leger be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Heide 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 Local Planning Appeal Tribunal Act.

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

c) **B/09-10/18/MW – Luc and Adelle Leger**

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 east of Highway 535 and south of Rabbit Trail Road and are municipally known as 2977 Rabbit Trail Road. The subject lands are surrounded by Rural (R) and Rural Residential (RR) lands uses.

The purpose of the Application for Consent is to sever two (2) residential rural lots from the subject property. The first proposed severed lot (lot A) is to be approximately 3.0 hectares in lot area with a lot frontage of approximately 121.0 metres and is currently vacant. The second proposed severed lot (lot B) is to be approximately 3.0 hectares in lot area with a lot frontage of approximately 121.0 metres and is presently vacant. The proposed retained lot is to be approximately 5.0 hectares in lot area with a lot frontage of approximately 339.0 metres and contains a single detached dwelling and accessory structures including a detached garage and two (2) sheds.

With respect to Official Plan policies, no constraints were identified and with respect to the criteria for creation of new lots in section 4.5.1

With respect to zoning, the proposed retained lands will remain under the current Rural (R) zoning and the proposed severed lands are proposed to be rezoned to Residential Rural (RR) - that application will be considered by Council for the Municipality of Markstay-Warren at its meeting of April 16th, 2018.

With respect to agency comments;

Ministry of Transportation: has no objection to the proposed severance. Access to the severed lots must be accessed via municipal roads (i.e. Rabbit Trail Road), as direct access to Highway 535 will not be permitted.

Ministry of Natural Resources and Forestry: Comments received on April 3, 2018 (Sent out on February 28th, 2018). There is a high potential for Blanding's Turtle; observation within 2 km of the subject property. Due to my preliminary review of the CGIS data for land use constraints and natural heritage, no items were identified and therefore, in my opinion, the above noted requirements from MNFR are not required. The MNRF used the term 'observation' meaning there was a documented citing of a Blanding turtle, however there are no wetlands on the subject property and the nearest watercourse is over 1 km in distance from the subject property.

Hydro One: No comments or concerns.

Bell Canada: no comments or concerns.

The application can be supported from a planning perspective.

Member Hunt questioned if the residents on Ratter Lake were notified about the proposed severance application. The Director of Planning said notices are sent a 60 metre radius from the property in question, therefore the residents were not included as part of the circulation.

Resolution: 18-025

BE IT RESOLVED THAT Consent Application B/09-10/18/MW submitted by Luc and Adelle Leger be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Phil Belanger

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 Local Planning Appeal Tribunal Act.

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

d) B/11/18/SC – Katherine Marie Hall

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 east of Dondo Road, south of Ratter Lake Road and north of Husky Trail Road which all roads meander through the subject lands.

The purpose of the Application for Consent is to sever one (1) rural lot. The application will correct a Planning Act Violation. The proposed retained lot is to be approximately 31.0 hectares in lot area with a lot frontage of approximately 475.0 metres and is presently vacant. The proposed severed lands are to be approximately 64.0 hectares in lot area with a lot frontage of approximately 411.0 metres and are currently vacant.

The west half (parcel 4625) inadvertently merged on title with the east half (parcel 5084) due to the pattern of ownership in 1987. In 1989, the west half of the subject property was severed without obtaining consent.

With respect to Official Plan policies, separation of lots that have merged on title is permitted and the application was also reviewed with respect to the criteria for creation of a new vacant lots. No constraints or issues were identified.

Both lots will continue to meet the requirements of the Rural Zone.

No comments were received through agency circulation or through public consultation.

The application can be supported from a planning perspective.

There were no comments or questions from the Board.

Resolution: 18-026

BE IT RESOLVED THAT Consent Application B/11/18/MW submitted by Katherine Marie Hall be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Heide 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 Local Planning Appeal Tribunal Act.

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

8. NEW BUSINESS

- a) Bill 139 (The Building Better Communities and Conserving Watersheds, 2017)

The Director of Planning provided a report to the Board for information purposes only.

- b) Special Business Case Funding

BE IT RESOLVED that the Sudbury East Planning Board hereby authorize the Chair and the Secretary-Treasurer to execute the pending Special Business Case Funding agreement with the Ministry of Municipal Affairs and Housing for the provision of approximately \$9,817.00 to the Sudbury East Planning Board being the estimated cost associated with the New Official Plan project as it pertains to the Unincorporated Townships of the Sudbury East Planning Board.

Resolution 18-027

MOVED BY: Ned Whynott

SECOND BY: Greg Hunt

Carried

- c) Director of Planning Vacation

The Director of Planning stated that he wished to have the ability to utilize ten (10) consecutive vacation days at a time for the year 2018.

BE IT RESOLVED the Sudbury East Planning Board hereby authorizes the Director of Planning the ability to utilize ten (10) consecutive vacation days at a time during the duration of 2018.

Resolution 18-028

MOVED BY: Denny Sharp

SECOND BY: Greg Hunt

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) March 2018

Resolution 18-029

BE IT RESOLVED THAT the statement of disbursements for the month of March 2018 in the amount of \$18,170.75 to be distributed and is hereby approved for payment.

MOVED BY: Phil Belanger

SECONDED BY: Heide Ralph

Carried

12. ADJOURNMENT

Resolution: 18-030

BE IT RESOLVED THAT the Meeting be adjourned at 6:33 P.M.

AND THAT the next regular meeting be held on June 14th, at 5:30 P.M. at the Sudbury East Planning Board Office in Warren.

MOVED BY: Denny Sharp

SECONDED BY: Phil Belanger

Carried.



CHAIR



SECRETARY-TREASURER