

**SUDBURY EAST PLANNING BOARD
MINUTES
Thursday, June 14, 2018 at 5:30 p.m.
Sudbury East Planning Board Office
39 Lafontaine Street, Warren, Ontario**

MEMBERS PRESENT: Phil Belanger, Carol Lemmon, Jim Rook, Ginny Rook, Heide Ralph, Greg Hunt, Ned Whynott

MEMBERS ABSENT: Paul Schoppmann, Michel Bigras, Denny Sharp

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

PUBLIC PRESENT: Bryan Dorland

1. MEETING CALLED TO ORDER

Member Hunt called the meeting to order at 5:38 p.m.

2. ADOPTION OF THE AGENDA

Resolution: 18-031

BE IT RESOLVED THAT the agenda for the Sudbury East Planning Board regular meeting of June 14, 2018 be adopted as amended.

MOVED BY: Phil Belanger

SECONDED BY: Carol Lemmon

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 April 12, 2018 be adopted as distributed.

Resolution: 18-032

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

MOVED BY: Heide Ralph

SECONDED BY: Phil Belanger

Carried

5. PRESENTATION/DELEGATION

6. ZONING BY-LAW AMENDMENTS

Member Hunt 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 May 23, 2018, being over twenty (20) days prior to this evenings meeting (ZBA 18-05BRW and B/13-15/18/BRW – Fern Maltais and Georgette Potvin) (ZBA 18-06SRV – Denis and Nicole Wills)(ZBA 18-07SRV-1883411 Ontario Limited). 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 18-15BRW and B/13-15/18/BRW - Fern Maltais and Georgette Potvin

Bryan Dorland was present to represent Fern Maltais and Georgette Potvin for questions or comments from the board. The Director of Planning summarized the application.

The lands are located to the east of the realigned Highway 69, on the south side of Nepewassi Lake Road and Hendrie Road and north of Twin Bay Road.

The purpose of the applications for consent and zoning by-law amendment are to sever two (3) RR lots and the remnant lot off of Nepewassi lake Road and Hendrie Road and to rezone the lands to recognize the proposed use.

The proposed severed lots are to be approximately 2.0 hectares in lot area with a lot frontages ranging from 68.0 metres to 76.0 metres. The proposed severed lot is presently vacant. The proposed retained land is to be approximately 10.31 hectares in lot area with a lot frontage of approximately 181.0 metres and contains an existing dwelling with an attached garage and a wood shed.

The Official Plan allows for limited lot creation in the Rural Policy Area and sets priorities for development outside of settlement areas, provided that certain criteria are met – as outlined on pages 2 and 3 of the report.

With respect to access, comments were received by Burwash-Hendrie Local Roads Board (LRB) confirming that the proposed entrances are deemed to be acceptable from their point of view and that the LRB does not foresee any traffic problems because the entrances have a clear line of sight in both directions. Adequate access for the lot to be retained and proposed severed Lot A will be from Nepewassi Lake Road, while proposed lots to be severed (Lot B & C) are to be accessed from Hendrie Road.

With respect to zoning, the severed lots will no longer meet the requirements of the Rural Zone, therefore, the severed lots will be rezoned to Residential Rural to recognize the proposed lot creation as well as the retained lot.

With respect to comments;

Hydro One and Bell Canada had no comments or objections.

Burwash-Hendrie Local Roads Board: they do not for see any traffic problems.

SHDU: supportive comments for a septic tank and leaching bed system on the severed lots.

No other comments were received through agency circulation.

It is recommended that both the by-law be passed to recognize the intended use of the subject lands and that consent application be approved to create three (3) residential rural lots.

Bryan Dorland added that he was available for any questions from the board regarding applications from Fern Maltais and Georgette Potvin. There were no comments or questions from the Board.

Resolution: 18-033

BE IT RESOLVED THAT By-law Number 18-03 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 18-05BRW, submitted by Fern Maltais and Georgette Potvin be read a first and second time this 14th day of June, 2018.

MOVED BY: Heide Ralph

SECONDED BY: Carol Lemmon

Carried

Resolution: 18-034

BE IT RESOLVED THAT By-law Number 18-03 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 18-05BRW submitted by Fern Maltais and Georgette Potvin be read a third and final time this 14th day of June, 2018.

MOVED BY: Phil Belanger

SECONDED BY: Ned Whynott

Carried

Resolution: 18-035

BE IT RESOLVED THAT Consent Application B/13-15/18/BRW submitted by Fern Maltais and Georgette Potvin be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Phil Belanger

SECONDED BY: Heide Ralph

Carried

Member Hunt 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.

b) ZBA 18-06SRV – Denis and Nicole Wills

No one was present to represent Denis and Nicole Wills for questions or comments from the board. The Director of Planning summarized the application.

The subject property is municipally known as 430A Rock Lake Road 3 in the Unincorporated Township of Servos.

The application proposes to rezone the subject lands from the current waterfront residential zoning to waterfront residential zoning with regulations. The regulation(s) are to permit the construction of a seasonal dwelling and a sewage disposal system to the Optimal Summer Water Level (OSWL)

Presently, the subject property contains a seasonal dwelling that was constructed in 1955 and subsequently, in 1990, a detached garage was constructed. The new location is approximately 10 metres north from the existing seasonal dwelling that was constructed in 1955. This area will facilitate the construction of a new seasonal dwelling with an attached garage while removing the seasonal dwelling that was built in 1955.

The application generally complies with the policies of the Official Plan as per page 2 in the staff report.

With respect to agency circulation no comments were received.

No comments or concerns were received from the public.

It is recommended that the by-law be passed to recognize the Optimal Summer Water Level restriction to permit a seasonal dwelling and a septic system. There were no comments or questions from the Board.

Resolution: 18-036

BE IT RESOLVED THAT By-law Number 18-04 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 18-06SRV, submitted by Denis and Nicole Wills be read a first and second time this 14th day of June, 2018.

MOVED BY: Phil Belanger

SECONDED BY: Ginny Rook

Carried

Resolution: 18-037

BE IT RESOLVED THAT By-law Number 18-04 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 18-06SRV submitted by Denis and Nicole Wills be read a third and final time this 14th day of June, 2018.

MOVED BY: Jim Rook

SECONDED BY: Ned Whynott

Carried

Member Hunt 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.

C) ZBA 18-07SRV – 1883411 Ontario Limited

No one was present for questions or comments from the board. The Director of Planning summarized the application.

An application has been received from 1883411 Ontario Limited to rezone lands described as Lot 10, Concession 2, in the Unincorporated Township of Servos, Territorial District of Sudbury, being Lot 2, Plan M-695 (Parcel 19128 Sudbury East Section).

The proposed amending by-law would add a temporary use 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; constructed in 1950, once the newly constructed dwelling is completed, which will be located directly north of the existing dwelling (to be demolished).

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 another 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 record. 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.

A site visit was conducted by the Director of Planning on May 8th, 2018. The Director of Planning met with the Contractor to confirm whether the existing structure was a sleep cabin or seasonal dwelling because the applicants were of the opinion that the structure (built in 1950) was a sleep cabin. It was confirmed the intended use was and has always been a seasonal cottage because existing kitchen and bathroom facilities were located within the dwelling as well as sleeping accommodations.

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. There were no comments or questions from the Board.

Resolution: 18-038

BE IT RESOLVED THAT By-law Number 18-05 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 18-07SRV, submitted by 1883411 Ontario Limited be read a first and second time this 14th day of June, 2018.

MOVED BY: Phil Belanger

SECONDED BY: Carol Lemmon

Carried

Resolution: 18-039

BE IT RESOLVED THAT By-law Number 18-05 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 18-07SRV submitted by 1883411 Ontario Limited be read a third and final time this 14th day of June, 2018.

MOVED BY: Ginny Rook

SECONDED BY: Ned Whynott

Carried

Member Hunt 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.

7. CONSENT APPLICATIONS

Member Hunt 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 May 23, 2018, being over fourteen (14) days prior to this evenings meeting (B/12/18/MW-Richard and Gisele Schryer), (B/16/18/FR- Neil and Sheran Oberholzer, and Bonnie Bach),(B/17/18/SC – Angela and Gary Martin), (B/18/18/FR – David Tessier). 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/12/18/MW- Richard and Gisele Schryer

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 within the Village of Hagar. The lands back onto the Veuve River and front onto a Provincial Highway (Highway 17 East). The subject lands are in an area of predominantly residential uses. To the west, a small cluster of commercial uses are established as well as institutional use (EMS Station).

The lot addition does not affect any provincial interests under the PPS; generally lot boundary adjustments are permitted by the OP.

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, the proposed retained will continue to meet these requirements of the Rural Zone, having a lot area of 8.0 hectares and a frontage of 121.0 metres. Once to the severed lot is added to the adjacent parcel, the proposed enlarged lot will continue to meet these requirements as well, having a lot area of 14.84.0 hectares and a frontage of 318.0 metres.

With respect to agency circulation;

CN has no objections or comments with respect to the application.

No comments were received from the public.

The application can be supported from a planning perspective provided that the attached conditions area fulfilled with respect to consolidation of the lot addition. There were no comments or questions from the Board.

Resolution: 18-040

BE IT RESOLVED THAT Consent Application B/12/18/MW submitted by Richard and Gisele Schryer be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Phil Belanger

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 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/16/18/FR – Neil and Sheran Oberholzer, and Bonnie Bach

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 at 808 Dry Pine Bay, in the Township of Bigwood in the Municipality of French River. The application proposes to establish an easement for the distribution lines (hydro) which are underground and pass through the existing driveway of 808 Dry Pine Road. An existing hydro pole with an electrical transformer located on 808 Dry Pine Bay Road has the voltage to share and support power to the adjacent property to the west of the subject property. The proposed easement is approximately 9.0 m² in lot area.

With respect to the Official Plan policies, Section 4.5.1 of the Official Plan states that consents are generally limited to: easements or right-of-ways.

With respect to zoning, the proposal involves no new land use.

With respect to agency circulation, Bell Canada and Hydro One had no objections or concerns.

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

The application can be supported from a planning perspective provided that the attached conditions area fulfilled with respect to consolidation of the lot addition.

There were no comments or questions from the Board.

Resolution: 18-041

BE IT RESOLVED THAT Consent Application B/16/18/FR submitted by Neil and Sheran Oberholzer, and Bonnie Bach be recommended for approval as per the report prepared by the Director of Planning.

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 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/17/18/SC – Angela and Gary Martin

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 west side of Osprey Court, north of Musky Island Road. Abutting land uses consist primarily of waterfront residential lots, a waterfront commercial tourist lot, and larger rural lots adjacent to the West Arm of Lake Nipissing.

The purpose of the Application for Consent is to create one (1) waterfront residential lot. The proposed retained lot is to be approximately 33.0 hectares in lot area with a lot frontage of approximately 245.0 metres. The proposed severed land is to be approximately 0.81 hectares in lot area with a lot frontage of approximately 60.0 metres and is presently vacant.

With respect to the OP, the Sudbury East Planning Board Area limits the number of consents from the parent parcel to three (3), but has sufficient flexibility to consider the creation of One (1) Lot through either a consent application or through the subdivision process. In this case, the proposed severance to create one (1) waterfront residential lot will be by way of consent, totaling five (5) severances since 2005 (*B/57/05/SC & B/55-57/10/SC*). Any additional severances from the retained or severed property will not be allowed by the Planning Board.

With respect to zoning, the 'Waterfront Residential (WR)' Zone requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres. Both the severed and retained will continue to meet the requirements of the WR Zone.

With respect to agency comments, the Municipality of St. Charles had no comments.

Hydro One had no objections.

No comments were received from the public.

The application can be supported from a planning perspective provided that the attached conditions area fulfilled with respect to consolidation of the lot addition. There were no comments or questions from the Board.

Resolution: 18-042

BE IT RESOLVED THAT Consent Application B/17/18/SC submitted by Angela and Gary Martin be recommended for approval as per the report prepared by the 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 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/18/18/FR – David Tessier

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

The lands to be severed lie between Dry Pine Bay and Eighteen Mile Bay of the French River, approximately 4.3km south outside of the village of Alban which is identified in the Sudbury East Planning Area official plan as a settlement area, and are 1.2 kilometers northwest of Highway 607 and east of Whippoorwill Road. Predominately, the surrounding land uses consist of rural lands with limited waterfront residential and rural residential areas.

The purpose of the Application for Consent is to create one (1) rural lot on Dry Pine Bay Road. The proposed retained lot is to be approximately 93.0 hectares in lot area with a lot frontage of greater than 1000.0 metres and contains an existing dwelling (single-detached home) and accessory structure (barn). The proposed severed lot is to have an area of 8.5 hectares with a lot frontage of approximately 427.2 metres and is currently vacant.

The application is consistent with Official Plan policies related to consents. Policy 3.2.5.2(a) goal is to conserve, restore and wherever possible, enhance the natural heritage features such as significant habitat of endangered species and threatened species. These habitats are defined based on the data from the Province and Federal authorities. The Ministry of Natural Resources and Forestry identified the subject lands as potential habitats for the following species; whip-poor-will, little brown myotis and northern myotis, massasauga rattlesnake, and eastern hog-nosed snake. The site was already identified as habitat for Blanding's turtle based on a local observation, which is a threatened species. The applicant retained Lynn J Landriault Ecological Consulting to determine if the site was considered habitat for species at risk and concluded that there was no negative impacts on the features or there functions.

The Ministry of Natural Resources stated "a report assessing SAR habitat assessment would, given the lack of plans for actual development at the proposed severance, be acceptable". A report has been submitted to the Planning Board office by the applicant and meets the required condition.

With respect to Zoning, both the retained and severed lot 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: 18-043

BE IT RESOLVED THAT Consent Application B/18/18/FR submitted by David Tessier be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Phil Belanger

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 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) MMAH FUNDING

Resolution 17-044

BE RESOLVED THAT the Sudbury East Planning Board hereby authorizes the Chair and the Secretary-Treasurer to execute the funding agreement with the Ministry of Municipal Affairs and Housing for the allocations of \$27,591.00 to the Sudbury East Planning Board for the delivery of planning services in the planning area from April 1, 2018 to March 31 2019.

MOVED BY: Phil Belanger

SECONDED BY: Heide Ralph

Carried

b) BUDGET UPDATE

The Director of Planning presented a budget update for the fiscal year to date. Revenues and expenditures are in line for the year.

c) RFP Review of Official Plan

The Director of Planning presented the board with an overview of three proposals received for the upcoming New Official Plan.

BE IT RESOLVED BE IT RESOLVED THAT the Sudbury East Planning Board hereby accepts the Official Plan Review Proposal from the J.L. Richards & Associates Limited and that the J.L. Richards & Associates Limited is hereby advised to proceed with such program.

WHEREAS the Planning Board hereby authorizes the Director of Planning to enter into a Memorandum of Understanding with the area municipalities; and

WHEREAS the Planning Board will take the lead on payment for, and integration of, all invoices associated with the Official Plan Review, whereby the municipalities agree to repay the Planning Board within 30 days of receipt of an invoice for the said project.

Resolution 18-045**MOVED BY:** Phil Belanger**SECOND BY:** Carol Lemmon**Carried****d) CGIS Proposal (Official Plan Alignment)**

The Director of Planning presented the board with a Workflow proposal from CGIS for the Polygon Cleanup and Alignment Proposal.

BE IT RESOLVED THAT the Sudbury East Planning Board hereby accepts the Official Plan Polygon Cleanup and Alignment Proposal from CGIS Spatial Solutions before proceeding with the New official Plan update and that CGIS Spatial Solutions is hereby advised to proceed with such program .

WHEREAS the Planning Board hereby authorizes the Director of Planning to enter into a Memorandum of Understanding with the area municipalities; and

WHEREAS the Planning Board will take the lead on payment for, and integration of, Polygon Cleanup and Alignment associated with the Official Plan Review, whereby the municipalities agree to repay the Planning Board within 30 days of receipt of an invoice for the said project.

Resolution 18-046**MOVED BY:** Carol Lemmon**SECOND BY:** Heide Ralph**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) April and May 2018

Resolution 18-047

BE IT RESOLVED THAT the statement of disbursements for the month of April 2018 in the amount of \$14,480.12 and for the month of May 2018 in the amount of \$13,112.76 to be distributed and is hereby approved for payment.

MOVED BY: Ginny Rook
SECONDED BY: Heide Ralph

Carried

12. ADJOURNMENT

Resolution: 18-048

BE IT RESOLVED THAT the Meeting be adjourned at 6:58 P.M.

AND THAT the next regular meeting be held on August 9th, at 5:30 P.M. at the Sudbury East Planning Board Office in Warren.

MOVED BY: Jim Rook
SECONDED BY: Carol Lemmon
Carried.



CHAIR



SECRETARY-TREASURER

