

**SUDBURY EAST PLANNING BOARD  
MINUTES  
Thursday, August 09, 2018 at 5:30 p.m.  
Sudbury East Planning Board Office  
39 Lafontaine Street, Warren, Ontario**

**MEMBERS PRESENT:** Phil Belanger, Carol Lemmon, Denny Sharp, Michel Bigras, Heide Ralph, Greg Hunt,  
Ned Whynott, Paul Schoppmann

**MEMBERS ABSENT:** Ginny Rook, Jim Rook

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

**PUBLIC PRESENT:** Barbara St.Germain

**1. MEETING CALLED TO ORDER**

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

**2. ADOPTION OF THE AGENDA**

**Resolution: 18-049**

**BE IT RESOLVED THAT** the agenda for the Sudbury East Planning Board regular meeting of August 09, 2018 be adopted as amended to include under Presentations/Delegations, Vincent Seguin – Request to review application fees.

**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 June 14, 2018 be adopted as distributed.

**Resolution: 18-050**

**BE IT RESOLVED THAT** the minutes of the Sudbury East Planning Board's regular meeting of June 14, 2018 be adopted as distributed.

**MOVED BY:** Phil Belanger

**SECONDED BY:** Ned Whynott

**Carried**

**5. PRESENTATION/DELEGATION****a) Barbara St.Germain – Request for reduced application fees**

Mrs. Barbara St. Germain provided a brief history of the applications, beginning in November of 2015 with her application (B/33/15/MW) to effect a lot addition at a cost of \$750.00. Mrs. St. Germain stated that she was in contact with the Direct Of Planning threw out the year and was working on fulfilling 6/8 conditions however she was unable to satisfy the lawyers condition of drafting the Land Form as well as the Schedule because of several owners who are on title of the benefiting property which was making it challenging for her to finalize the transaction.

Barbara stated that she was aware that she was not able to fulfill the conditions in the one year time frame which led her to submitting an identical application (B/17/17/MW) at a cost of \$850.00 in June of 2017. She added that the issues with the benefitting property owners was resolved and that that no longer was an issue for finalizing the conditions.

Barbara stated that her hold up now was with the lawyers and that she has attempted to contact the lawyers office on multiple occasions in the last 4 months threw phone, email and even attempted to enter the office with no luck and locked doors. Mrs. St.Germain added that she has no way, at the moment, to access her papers until she is able to contact someone from the firm and her current application was due to lapse August 14<sup>th</sup>, 2018. Barbara stated that she is planning to proceed with yet another identical application with the board and would like a reduced fee, if possible, for this 3<sup>rd</sup> time around.

Member Hunt pointed out that maybe lawyers needed to be responsible for reembersement which Mrs. St. Germain agree with but also reminded the board of the difficulty she was having contacting the lawyers office. Member Whynott stated that he agreed with member Hunt but felt for her and the lack of cooperation she was receiving from her lawyer and that she had already paid an excessive amount for previous applications. He added that he believed she was taking the proper steps and that she should receive a break in fees for the upcoming application. The board members asked the Director of Planning what is the cost associated with circulation with respect to a new Consent Application? Director of Planning suggested approximately \$100.00. Board agreed \$100.00 to be charged. Mrs. St. Germain thanked the Board for their time discussing the matter.

**BE IT RESOLVED THAT** the Consent Application fee of \$850.00 be reduced to \$100.00 for Barbara St.Germain's pending application.

**MOVED BY:** Phil Belanger

**SECONDED BY:** Denny Sharp

**Carried**

**b) Vincent Seguin – Request to review application fees**

Mr. Seguin had faxed a letter to the Board on August 3<sup>rd</sup>, 2018 for their consideration prior to the meeting regarding reasoning for his request to review application fees. The Director of Planning circulated the letter to the members to review. Member Belanger questioned the dates when each circulation was sent out for Mr. Seguin's application B/14/17/FR. The Director of Planner stated, the application had seven (7) conditions and the Director of Planning did not receive any information from the applicant with respect to addressing the Seven (7) conditions. The applicant stated that he was 'not aware of the conditions', however, the applicant received the consent-in-principle-condition on two separate occasions. Firstly, on May 24<sup>th</sup>, 2017 (the Notice of Application which included the Draft Conditions) and secondly, on June 16<sup>th</sup>, 2017 (Notice of Decision, Advising Consent, and Consent-In-Principle was sent to the applicant on which addresses that a list of conditions that must be fulfilled before a consent is given).

Members Schoppmann, Bigras, Sharp and Whycott suggested to post pone the matter until the next Sudbury East Planning Board meeting which will be held in September. Members Ralph, Hunt, Lemmon and Belanger stated that fees should remain the same and that Mr. Seguin pay \$850.00 for his pending application.

**BE IT RESOLVED THAT** the Consent Application fee of \$850.00 be for Vincent Seguin's pending application.

**DEFEATED**

**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 July 17, 2018, being over twenty (20) days prior to this evenings meeting (ZBA 18-08BRW – Jeffrey and Cindy Johnson). 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 18-08BRW – Jeffrey and Cindy Johnson**

No one was present for questions or comments from the board.

The Director of Planning summarized the application.

The lands are located at the intersection of Chamberland Road and Nepewassi Lake Road, with an entrance from Nepewassi Lake Road. The subject lands are abutting crown and privately owned rural lands, with four (4) residential rural lots, south of Nepewassi Lake Road.

The purpose of the zoning by-law amendment is the development of an accessory structure (detached garage) in the required front yard. The current By-law, 14-01, states that any accessory building or use which is not part of the principal building shall not be erected in any of the required yards, except in accordance with the applicable provisions of this By-law pertaining to accessory buildings

With respect to 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.

With respect to zoning, the Residential Rural (RR) Zone requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres. The lot to be rezoned with a special provision exceeds the minimum requirements of the Residential Rural Zone (ZBA 16-01BRW).

With respect to comments, no comments were received through agency circulation nor through the public.

It is recommended that both the by-law be passed to recognize the intended use of the subject lands.

**Resolution: 18-053**

**BE IT RESOLVED THAT** By-law Number 18-06 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 18-08BRW, submitted by Jeffrey and Cindy Johnson be read a first and second time this 09<sup>th</sup> day of August, 2018.

**MOVED BY:** Paul Schoppmann

**SECONDED BY:** Heide Ralph

**Carried**

**Resolution: 18-054**

**BE IT RESOLVED THAT** By-law Number 18-06 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 18-08BRW submitted by Jeffery and Cindy Johnson be read a third and final time this 09<sup>th</sup> day of August, 2018.

**MOVED BY:** Heide Ralph

**SECONDED BY:** Phil Belanger

**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**

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 July 24, 2018, being over fourteen (14) days prior to this evenings meeting (B/19/18/SC-Marsim Holdings). 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/19/18/SC- Marsim Holdings**

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 west of 44B Marsim Court, in the Township of Appleby in the Municipality of St. Charles. The application proposes to establish an easement to allow road access over the subject lands to the adjacent property. The right-of-way is to obtain access from the owners of 44B Marsim Court because presently, the adjacent property is inaccessible from the publicly maintained road (Marsim Court) due to the existing topography.

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.

MNRF identified potential Barn Swallow (threatened), bobolink (threatened), Eastern Meadowlark (threatened), chimney swift (threatened) and whip-poor-will (threatened), however, the potential impact is limited regarding the proposal, therefore studies were not warranted. Additionally, any aggregate extract from the site for the purposes of creating the easement must remain on site.

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 the proposed easement.

**Resolution: 18-055**

**BE IT RESOLVED THAT** Consent Application B/19/18/SC submitted by Marsim Holdings be recommended for approval as per the report prepared by the Director of Planning.

**MOVED BY:** Greg Hunt

**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) 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.

**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) June and July 2018****Resolution 18-056**

**BE IT RESOLVED THAT** the statement of disbursements for the month of June 2018 in the amount of \$13,831.87 and for the month of July 2018 in the amount of \$14,486.29 to be distributed and is hereby approved for payment.

**MOVED BY:** Phil Belanger

**SECONDED BY:** Paul Schoppmann

**Carried**

**12. CLOSED SESSION****Resolution 18-057**

**BE IT RESOLVED THAT** the Sudbury East Planning Board proceed to a closed session for the purpose of discussing matters about “labour relations or employee negotiations” with respect to the performance evaluation, including municipal or local board employees as per Section 239 (2)(d) of the Municipal Act.

**MOVED BY:** Denny Sharp

**SECOND BY:** Carol Lemmon

**Carried**

**Resolution 18-060**

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

**MOVED BY:** Phil Belanger  
**SECONDED BY:** Carol Lemmon  
**Carried**

Chair Bigras and Member Whynott will contact the Director of Planning to arrange a meeting concerning the Performance Appraisal.

**12. ADJOURNMENT**

**Resolution: 18-061**

**BE IT RESOLVED THAT** the Meeting be adjourned at 7:21 P.M.

**AND THAT** the next regular meeting be held on September 13<sup>th</sup>, at 5:30 P.M. at the Sudbury East Planning Board Office in Warren.

**MOVED BY:** Greg Hunt  
**SECONDED BY:** Carol Lemmon  
**Carried.**

  
\_\_\_\_\_  
CHAIR

  
\_\_\_\_\_  
SECRETARY-TREASURER