

**SUDBURY EAST PLANNING BOARD
MINUTES
Thursday, February 14, 2019 at 5:30 p.m.
Sudbury East Planning Board Office
39 Lafontaine Street, Warren, Ontario**

MEMBERS PRESENT: Heide Ralph, Carol Lemmon, Dave Viau, Jackie Lafleur, Paul Branconnier, Ned Whynott, Ron Garbutt

MEMBERS ABSENT: Ginny Rook, Rachelle Pigeau, John Dimitrijevic

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

PUBLIC PRESENT: Dave Dorland, Laurie Bissonette (KPMG), Gisele Pageau,
Craig Pascoe, Shannon Pascoe

1. MEETING CALLED TO ORDER

Mr. Dumont called the meeting to order at 5:30 p.m.

2. ADOPTION OF THE AGENDA

Resolution: 19-001

BE IT RESOLVED THAT the agenda for the Sudbury East Planning Board regular meeting of February 14, 2019 be adopted as distributed.

MOVED BY: Carol Lemmon

SECONDED BY: Paul Branconnier

Carried.

3. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

No disclosures of Pecuniary Interest.

4. ELECTIONS

Resolution 19-002

BE IT RESOLVED THAT Matthew Dumont be appointed chairperson for the purpose of the ensuing elections.

MOVED BY: Heide Ralph

SECONDED BY: Carol Lemmon

Carried.

Resolution 19-003

BE IT RESOLVED THAT nominations for the position of Chairperson of the Sudbury East Planning Board be opened.

MOVED BY: Ron Garbutt

SECONDED BY: Dave Viau

Carried

Carol Lemmon

Nominated by: Heide Ralph

Ginny Rook:

Nominated by: Ron Garbutt

Ron Garbutt:

Nominated by: Dave Viau

Resolution 19-004

BE IT RESOLVED THAT nominations for the position of Chairperson of the Sudbury East Planning Board be closed.

MOVED BY: Heide Ralph

SECONDED BY: Dave Viau

Carried

Ron Garbutt declined the nomination for the position of Chairperson.

Ballots were distributed and the Board members casted their vote. Ballots were handed back to the Director of Planning and it was concluded that Ginny Rook was voted Chairperson.

Resolution 19-005

BE IT RESOLVED THAT Ginny Rook accepted the nomination for the position of Chairperson of the Sudbury East Planning Board.

MOVED BY: Ron Garbutt

SECONDED BY: Paul Branconnier

Carried

Resolution 19-006

BE IT RESOLVED THAT nominations for the position of Vice-Chairperson of the Sudbury East Planning Board be opened.

MOVED BY: Paul Branconnier

SECONDED BY: Ron Garbutt

Carried

Carol Lemmon:

Nominated by: Heide Ralph

Resolution 19-007

BE IT RESOLVED THAT nominations for the position of Vice-Chairperson of the Sudbury East Planning Board be closed.

MOVED BY: Heide Ralph

SECONDED BY: Dave Viau

Carried

Carol Lemmon accepted the nomination for the position of the Vice-Chairperson of the Sudbury East Planning Board.

Resolution 19-008

BE IT RESOLVED THAT Carol Lemmon accepted the nomination for the position of Vice-Chairperson of the Sudbury East Planning Board.

MOVED BY: Heide Ralph

SECONDED BY: Jackie Lafleur

Carried

5. ADOPTION OF MINUTES

a) Sudbury East Planning Board – Regular meeting of November 08, 2018 be adopted as distributed.

Resolution: 19-009

BE IT RESOLVED THAT the minutes of the Sudbury East Planning Board’s regular meeting of November 08, 2018 be adopted as distributed.

MOVED BY: Ned Whynott
SECONDED BY: Heide Ralph

Carried

6. PRESENTATION/DELEGATION

a) Audit

Laurie Bissonette, KPMG, presented the draft 2018 Financial Statement to the Board. Ms. Bissonette discussed the Balance Sheet and Income Statements, explaining each of the accounts. Ms. Bissonette stated that the Planning Board Staff was very helpful in the process and the Audit was completed very quickly.

There were no further comments or questions from the Board.

Resolution: 19-010

BE IT RESOLVED THAT the 2018 Audited Financial Statements submitted by the accounting firm of KPMG be accepted.

MOVED BY: Ron Garbutt
SECONDED BY: Dave Viau

Carried

7. ZONING CONFORMITY PERMITS

- a)** Forth Quarter 2018 - The Zoning Conformity Permits issued for the Fourth Quarter of 2018 were presented to the Board for their information.

8. ZONING BY-LAW AMENDMENTS

The vice-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 January 23, 2019, being over twenty (20) days prior to this evenings meeting (ZBA 19-01SCR – Jane Quinn). 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 19-01SCR – Jane Quinn

Craig Pascoe (Agent) was present for questions or comments from the board.

The Director of Planning summarized the application.

The subject lands are surrounded predominantly by crown land as are adjacent to two (2) rural properties which have access from McVitte Road which is maintained by the Local Roads Board year-round.

The Proposed Amending By-law will zone the land from Rural (RU) to Residential Rural (RR) under By-law 14-01 of the Sudbury East Planning Board, as amended, in order to reflect the intended use of such lands and to facilitate the proposed severance. The proposed severed lot is to be approximately 3.03 hectares in lot area with a lot frontage of approximately 97.0 metres and is presently vacant

With respect to the Official Plan, specifically servicing, the applicants have demonstrated site suitability for a septic system, reasonable expectation of potable water and capacity for hauled sewage with respect to proposing a single detached dwelling.

With respect to zoning, the lot to be rezoned meets the minimum requirements of the Residential Rural (RR) Zone which is a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres. In addition, the Residential Rural Zone permits a single detached dwelling.

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

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

Member Garbutt questioned if the new driveway had been approved. The Director of Planning informed the board that Local Roads Board was part of the circulation process and are aware of the severance.

Resolution: 19-011

BE IT RESOLVED THAT By-law Number 19-01 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 19-01SCR, submitted by Jane Quinn be read a first and second time this 14th day of February, 2019.

MOVED BY: Heide Ralph
SECONDED BY: Jackie Lafleur

Carried

Resolution: 19-012

BE IT RESOLVED THAT By-law Number 19-01 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 19-01SCR submitted by Jane Quinn be read a third and final time this 14th day of February, 2019.

MOVED BY: Paul Branconnier
SECONDED BY: David Viau

Carried

9. 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 January 30, 2019, being over fourteen (14) days prior to this evenings meeting (B/01/1/KL – Charles Zumkehr, B/03-04/19/BRW- Robert & Pamela Kutchaw, and Jeffrey Norris, B/05/19/FR-Roger Fryer) and on January 23, 2019 (B/02/19/SCR- Jane Quinn). 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/01/19/KL- Charles Zumkehr

Dave Dorland (Agent) was present for questions or comments from the Board. The Director of Planning summarized the application.

The lands are located on the south side of the Killarney Channel in the Community of Killarney, south of Highway 637. The adjacent properties to the west and east are waterfront residential uses.

The application will sever a portion of Lot 16, Plan 196TP to be added to the adjacent lot to the west (lot 15, Plan 196TP). The lot presently contains a seasonal dwelling and the lot addition is intended to facilitate waterfront access to the adjacent property.

The purpose of the Application for Minor Variance is to permit a reduced Minimum Lot Frontage of 22.0 metres instead of the 60.0 metres required by the 'Waterfront Residential (WR)' provisions of the Zoning By-law 2014-29. The application for minor variance will be held on February 20th, 2019 at Municipality of Killarney.

With respect to the Official Plan policies, Section 4.5.1 of the Official Plan states that consents include lot boundary adjustments such as that currently proposed. For that reason, staff is supportive of an application that would result in addressing the waterfront access issue.

With respect to the required minor variance application, as noted in the Official Plan section above, minor variances must meet the four tests set out in Section 45(1) of the Planning Act.

- a) be minor;
- b) be desirable for the appropriate development or use of the land, building, or structure;
- c) maintain the general intent and purpose of the Zoning By-law; and
- d) maintain the general intent and purpose of the Official Plan.

The Minor variances application can be supported because it satisfies the four tests.

With respect to zoning, no new land use change has been requested. The subject property remains as such; waterfront residential. The 'Waterfront Residential (WR)' Zone permits a single detached dwelling. The minimum lot area requirement is 0.8 hectares and the minimum lot frontage requirement is 60.0 metres. After the lot has been enlarged through consent application, it will have an area of 1.5 ha and a lot frontage of 111.45 metres, which exceeds both the required 0.8 ha and 60.0 metres of lot frontage of the Zone. Additionally, the retained lot will have an area of 1.0 ha; however the lot frontage will be reduced to 22.0 metres instead of the required 60.0 metres, therefore requiring an Application for Minor Variance.

No 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 lot addition.

Dave Dorland thanked the staff of the Sudbury East Planning Board for their professional services during the application process. Member Garbutt asked Mr. Dorland for reasoning behind needing the lot addition. Mr. Dorland provided history with the property and stated how the owners previously used and had permission to use the piece of the land but at this time would like to make it legal due to possible sale of neighbouring property.

Resolution: 19-013

BE IT RESOLVED THAT Consent Application B/01/19/KL submitted by Charles Zumkehr be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Heide Ralph

SECONDED BY: Ron Garbutt

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/02/19/SCR – Jane Quinn

Craig Pascoe (Agent) was present for questions or comments from the Board. The Director of Planning summarized the application.

The purpose of the Application for Consent is to sever one (1) Residential Rural lot from the subject property. The proposed severed lot is to be approximately 3.03 hectares in lot area with a lot frontage of approximately 97.0 metres and is presently vacant. The proposed retained lot is to be approximately 60.0 hectares in lot area with a lot frontage of approximately 823.0 metres and contains a single detached dwelling and accessory structures including a detached garage and wood shed

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 severance.

There were no questions or comments from the board.

Resolution: 19-014

BE IT RESOLVED THAT Consent Application B/02/19/SCR submitted by Jane Quinn be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Ned Whynott

SECONDED BY: Paul Branconnier

Carried

c) B/03-04/19/BRW – Robert and Pamela Kutchaw and Jeffrey Norris

Dave Dorland (Agent) was present for questions or comments from the Board. The Director of Planning summarized the application.

The subject property is located on a private road off of Twin Bay Road (known as East Shore Road) in the unincorporated township of Burwash, fronting on Nepewassi Lake. The application proposes to create two right-of-ways, one over each of the two parcels which must be crossed to reach the benefitting parcel. The easements will provide continued legal access to the benefitting property as shown on the FRI Imagery.

With respect of Official Plan policy, the creation of new lots on private roads is discouraged – but there are many instances in the Planning Area where there are existing lots of record on private roads that are accessed over crown land or via an easement over private land – often it is informal access and some property owners chose to formally establish access to ensure that it is continuous and legal.

Each of the affected properties are zoned Waterfront Residential and are undersized, but are existing lots of record and deemed to comply by virtue of Section 6.26 of the by-law.

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

The application can be supported from a planning perspective provided that the attached conditions are fulfilled with respect to the severance.

Resolution: 19-015

BE IT RESOLVED THAT Consent Application B/03-04/19/BRW submitted by Robert and Pamela Kutchaw and Jeffrey Norris be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Dave Viau

SECONDED BY: Jackie Lafleur

Carried**d) B/05/19/FR – Roger Fryer**

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

The Director of Planning summarized the application.

The purpose of the Application for Consent is to sever approximately 0.04 hectares from the subject property (PIN: 73451-0172) and add such lands to an adjacent property known municipally as 53 Shanty Bay Road (PIN: 73451-0166 & 73451-0064). The severed lands are in conjunction with the Municipality of French Rivers disposition of land legal matter for the sale of parts of the Quesnel Road right-of-way to the abutting owners, therefore, the said lands will not be retained. The proposed enlarged lot (once the severed lot has been added) will have an approximate lot area of 1.11 hectares and a lot frontage of 82.0 meters. The proposed lot addition will provide additional amenity area for the proposed enlarged lot.

With respect to the Official Plan policies, Section 4.5 of the Plan contains policies pertaining to Consents. Subsection 1, outlines criteria where consents are generally limited to:

- a) New lots that represent minor infilling;
- b) The mortgaging of land beyond 21 years;
- c) Lot boundary adjustments;
- d) Facilitating the disposal of a second legal dwelling;
- e) Separating existing legal uses;
- f) Providing a retirement residence on non-prime agricultural lands for a farmer who worked on the subject farm much of their adult life;
- g) Separating lots that have merged on title; and,

With respect to zoning, The Waterfront Commercial tourist Zone requires a minimum lot are of 2.0 hectares and minimum a lot frontage of 150.0 metres

The benefitting lot has less than the required lot area and lot frontage for the Waterfront Commercial Tourist Zone (approximately 1.07 hectares and 82.0 metres). However, the lot would be deemed to comply by virtue of Section 6.26 of the Zoning By-law for the Municipality of French River.. The lot addition has an area of 0.04 hectares and is to be added to the adjacent parcel, which once added will have an area of approximately 1.11 hectares.

The proposal involves no new land use or change in land use.

With respect to agency circulation,

Municipality of French River: The consent application with the Municipality's disposition of land legal matter for the sale of parts of the Quesnel Road right-of-way to the abutting land owners. This application is supported and there are no relevant municipal conditions.

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

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

There were no comments or questions from the board.

Resolution: 19-016

BE IT RESOLVED THAT Consent Application B/05/19/FR submitted by Roger Fryer be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Ron Garbutt

SECONDED BY: Paul Branconnier

Carried

10. NEW BUSINESS

a) Draft Budget

The Director of Planning discussed the Draft Budget provided to the board members in the meeting files.

All members present were appreciative of the effort included in the Budget process. All members were also interested in keeping the budget packages in order to bring the useful calculated data back to their municipality for future reference.

Member Garbutt questioned why there was no reserve on the budget. The Director of Planning stated that the board does not have reserves in place.

Member Lafleur commented how it is a great idea to have money allocated on the budget for the Director of Planning and the Administrative Assistant to have additional training.

Member Lafleur also asked if the staff were capable of operating a compressed schedule. The Director of planning explained that he is 7 hours a day, 5 days a week and the Administrative Assistant is 7 hours a day and 4 days a week.

There were no further questions or comments from the Board.

Resolution 19-017

BE IT RESOLVED THAT the draft budget recommended by the Director of Planning, dated February 14, 2019 be adopted as the Sudbury East Planning Board's official budget for the fiscal year 2019.

MOVED BY: Dave Viau

SECONDED BY: Heide Ralph

Carried

b) Signing Authority

Resolution 19-018

BE IT RESOLVED THAT the Sudbury East Planning Board confer signing authority to Ginny Rook, Chairperson, or Carol Lemmon, Vice-Chairperson and Matthew Dumont, Secretary-Treasurer, in regards to all banking matters pertaining to the Planning Board's General Account.

MOVED BY: Paul Branconnier

SECONDED BY: Heide Ralph

Carried

11. BUSINESS ARISING FROM PREVIOUS MINUTES

- No new business

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

13. PAYMENT OF VOUCHERS

a) November and December 2018 and January 2019

Resolution 19-019

BE IT RESOLVED THAT the statement of disbursements for the month of November 2018 in the amount of \$26,407.45 and December 2018 in the amount of \$19,659.35 and January 2019 in the amount of \$44,993.80 to be distributed and is hereby approved for payment.

MOVED BY: Heide Ralph

SECONDED BY: Ned Whynott

Carried

14. ADJOURNMENT

Resolution: 19-020

BE IT RESOLVED THAT the Meeting be adjourned at 7:40 P.M.

AND THAT the next regular meeting be held on March 14th, 2019 at 5:30 P.M. at the Sudbury East Planning Board Office in Warren.

MOVED BY: Heide Ralph

SECONDED BY: Ron Garbutt

Carried.



CHAIR



SECRETARY-TREASURER

