

**SUDBURY EAST PLANNING BOARD
MINUTES
Thursday, June 13, 2019 at 5:30 p.m.
Sudbury East Planning Board Office
39 Lafontaine Street, Warren, Ontario**

MEMBERS PRESENT: Carol Lemmon, Dave Viau, Heide Ralph, Paul Branconnier
Ginny Rook, John Dimitrijevic, Ned Whynott

MEMBERS ABSENT: Ron Garbutt, Jackie Lafleur, Rachelle Pigeau

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

1. MEETING CALLED TO ORDER

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

2. ADOPTION OF THE AGENDA

Resolution: 19-042

BE IT RESOLVED THAT the agenda for the Sudbury East Planning Board regular meeting of June 13, 2019 be adopted as distributed.

MOVED BY: Carol Lemmon

SECONDED BY: Heide Ralph
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 May 09th, 2019 be adopted as distributed.

Resolution: 19-043

BE IT RESOLVED THAT the minutes of the Sudbury East Planning Board's regular meeting of May 09, 2019 be adopted as distributed.

MOVED BY: John Dimitrijevic

SECONDED BY: Paul Branconnier

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 May 22, 2019, being over twenty (20) days prior to this evenings meeting (ZBA 19-11SCR – Charles Olivier and Linda Lavigne). 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 19-11SCR – Charles Olivier and Linda Lavigne

The Director of Planning summarized the application.

The lands are located to the west of the realigned Highway 69, on the north side of Paddy Lake Road and the west side of Horseshoe Lake Road. The parcel is located within rural and waterfront cluster of Paddy Lake.

The purpose of the Application for Consent and Zoning By-law Amendment are to sever two residential rural lots from the subject property and rezone the lands to recognize the intended use. The proposed retained lot is to be approximately 4.0 hectares in lot area with a lot frontage of approximately 162 metres and contains a single family home and accessory structures including a sauna and pool. The proposed severed lands are to be approximately 3.0 hectares in lot area with lot frontages of approximately 120.0 metres and are presently vacant

With respect to the Official Plan, Creation of rural residential lots will be evaluated using a number of criteria. In this case, both the severed and retained parcels meet the requirements of the 'Residential Rural (RR)' Zoning which is proposed through the concurrent application for Zoning By-law Amendment. Adequate access for the lot to be retained and proposed severed Lot A and B will be from Paddy Lake Road and supportive comments have been received from the Secord Local Roads Board regarding new driveways for the proposed lots. Minimum Distance Separation (MDS) is not applicable in this instance, as the development is located within an existing cluster of development. There are no development constraints identified in the Official Plan affecting this property and the subject property is located within an unincorporated township and is not anticipated to create an undue financial burden.

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 metres. Each of the proposed lots exceed the minimum requirements of the RR Zone and are intended to be used for residential uses as permitted by the zone.

With respect to agency comments;

The **Secord Local Roads Board** has request the following condition in the approval:

- Minimum 18 inch culverts be installed at each proposed new driveway and their work does not impede the flow of water in the ditched as these ditches deal with a lot of water coming from the hill side.

The **Sudbury & District Health Unit (2019)** concluded that the proposed severed and retained parcels are capable of development for installation of a septic tank and leaching bed system.

Bell Canada: has existing easement rights over the above noted property being Bell easement instrument LT747730 registered on 1992-11-09. Existing rights must be maintained, however, there is no need for any additional easements at this time.

MTO – has no objections to the proposed severance.

With respect to comments from the public;

Address 151 Paddy Lake Road, Objection 1: How many severances have occurred on the subject property? Previous owner had severed the properties along paddy creek as well as the subject property.

A related application, B/51-53/08/SCR, was approved by the Planning Board on September 11, 2008 and received Final Consent on July 22nd, 2009. The application proposed to sever one rural lot from the subject lands and to create two (2) separate right-of-ways for the proposed severed and retained lands for access to Paddy Creek.

Address 311 Paddy Lake Road, Objection 2: protecting the natural amenities of the Planning Area. May cause potential flooding, soil erosion, snow removal and safety issues. The development of these lots may cause run off and erosion that could flood neighboring properties. Access to the driveway i.e ingress and egress, limitation to steep grade causing safety issues.

Board inquired whether or not blasting was needed in order to build a home? The owner reassured the board that no removal of rock will be needed and that the proposed footprint of the single family home would have a minimal impact with regard to the natural vegetation.

Board also questioned the amount of soil that would be needed to be removed and the extend of excavation required? The owner stated that minimal excavation will be conducted.

The owner provided photographs, of the property in question, to the board members to view. The owner commented on the minimal amount of water in the photographs which he felt indicated no reason to have concerns with the drainage. Also owner installed, at each proposed entrance a 18” culvert as per the request of the Local Roads Board.

The board was in support and recommended that both the by-law and Consent be passed to recognize above noted application.

Resolution: 19-044

BE IT RESOLVED THAT By-law Number 19-04 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 19-11SCR, submitted by Charles Olivier and Linda Lavigne be read a first and second time this 13th day of June, 2019.

MOVED BY: Heide Ralph

SECONDED BY: David Viau

Carried

Resolution: 19-045

BE IT RESOLVED THAT By-law Number 19-04 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 19-11SCR submitted by Charles Olivier and Linda Lavigne be read a third and final time this 13th day of June, 2019.

MOVED BY: Heide Ralph

SECONDED BY: David Viau

Carried

Member Rook 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 May 29, 2019, being over fourteen (14) days prior to this evenings meeting (B/13/19/FR – David Nieuwenhuis and Caitlin Blackadder). 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/13/19/FR - David Nieuwenhuis and Caitlin Blackadder**

The Director of Planning summarized the application.

The lands are located on the west side of Highway 64, north of Weeks Road. The subject lands are in an area of predominantly rural and rural residential uses and back onto Crown land. To the east, the subject property is adjacent to the Municipality of West Nipissing.

The two parcels were formerly two separate parcels, however have merged on title due to the pattern of ownership.

With respect to the Official Plan, Section 4.5.1 of the Official Plan provides guidance as to when it is appropriate to grant a consent, **including the separation of lots that have merged on title.**

With respect to zoning, the Rural Zone requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100 metres. In this case the subject lands are comprised of two formerly separate parcels. The southern parcel (13614) has 416.0 metres of frontage on Highway 64 which is provincially maintained year round by the Ministry of Transportation (MTO). The zone classification for the proposed lot to be retained will change from 'Institutional (I1)' to 'Rural (RU)' to recognize the intended use of the lot. The northern parcel (13613) has 10.74 metres of frontage on Highway 64 which is also currently maintained year round by MTO and will maintain its current zoning, however a special provision will be required to recognize the reduced lot frontage of the severed Rural (RU) property, as it will have frontage of 10.74 metres instead of the 100.0 metres required by the Rural Zone.

With respect to agency comments;

Bell Canada: no comments with respect to the proposed application.

Sudbury District Health Unit: the proposed severed lot and retained lots are capable of development for installation of a septic tank and leeching bed system.

Ministry of Transportation: the intention for both the severed and retained is for rural/residential uses (i.e. non commercial use). Based on our review of the information provided, the MTO has no objection with the proposed severance.

No other Comments 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.

Resolution: 19-046

BE IT RESOLVED THAT Consent Application B/13/19/FR submitted by David Nieuwenhuis and Caitlin Blackadder be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: David Viau

SECONDED BY: Paul Branconnier

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.

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 28, 2019, being over fourteen (14) days prior to this evenings meeting (B/14-15/19KL – Brian Atyeo and Margaret Burke). 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.

b) B/14-15/19/KL - Brian Atyeo and Margaret Burke

The Director of Planning summarized the application.

The lands are located on the west side of Charles Street in the Community of Killarney. The subject property is adjacent to residential uses to the south. Immediately north, the subject property abuts a commercial use. To the east of Charles Street, the area predominantly consists of residential uses. Also, Ontario Street South, where the two residential lots are proposed to be created, comprises of residential uses.

The purpose of the consent application is to create two (2) residential lots in the Community of Killarney. Each of the proposed lots will have approximate areas of 0.15 hectares and a frontage of 30.5 metres and are presently vacant. The two (2) proposed severed lots are to have access from Ontario Street South and the retained lot is to have frontage and access from Charles Street, both of which are maintained by the Municipality of Killarney. The proposed retained lot is to have an area of 0.30 hectares and a lot frontage of approximately 60.97 metres and presently contains a single family home.

With respect to the official plan, Lands designated **Community Residential** are to be the primary focus for **residential development** within the Sudbury East Planning Area. The predominant use of land is to be for residential dwelling types, including single detached dwellings, semi-detached dwellings and duplex dwellings. Medium density residential, other housing types, some institutional uses and limited small scale commercial uses are permitted in accordance with the policies of Section 2.2.3.1 of the Official Plan.

The proposed consents can be considered infilling, as they will result in two new vacant building lots adjacent to existing developed residential lots in the Community of Killarney.

With respect to zoning, The R1 Zone has separate provisions for those lots within serviced settlement areas and those without municipal sanitary sewers. Where sanitary sewers are available, such as in the Community of Killarney the minimum lot frontage required is 18.0 metres and the minimum lot area required is 0.15 hectares.

Both the severed lots through application B-14 and B-15 and retained lot will meet the frontage and area requirements of the residential One (R1) Zone. Planning staff have no concern regarding the creation of two residential lots, as it is desirable from a planning perspective to have a consistent lot fabric

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 are fulfilled with respect to the proposed severances.

Resolution: 19-047

BE IT RESOLVED THAT Consent Application B/14-15/19/KL submitted by Brian Atyeo and Margaret Burke be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Heide Ralph

SECONDED BY: John Dimitrijevic

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.

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 29, 2019, being over fourteen (14) days prior to this evenings meeting (B/16/19/KL – Kathleen Low). 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.

c) B/16/19/KL - Kathleen Low

The Director of Planning summarized the application.

The lands are located on the south side of Commissioner Street in the Community of Killarney. The subject property is adjacent to residential uses to the west and east. Immediately north of Commissioner Street, the subject property is surrounded by more residential uses. Additionally, the subject property backs onto residential uses which have lot frontage on Channel Street.

The purpose of the Application for Consent is to effect a lot addition of approximately 0.09 hectares (All of lot 9, Plan 848) from the above noted property and to have such lands added to the adjacent parcel to the west (67 Commissioner Street).

With respect to the official Plan, **Community Policy Areas** have the highest concentration and intensity of land uses, are the **primary focus for residential** and commercial development, and provide the largest range of dwelling types in the Planning Area. The proposed consent can be considered appropriate for, and efficient use of land, as it will result in the creation of a larger lot which will provide an opportunity for prompting development. In this case, the applicant intends to construct a detached garage once the subject property had been added to the adjacent parcel. Presently, 67 Commissioner Street does not have sufficient area to permit the construction of the accessory structure.

With respect to the zoning by-law, The above noted property is a lot of record meaning that the lot formed as a part of a plan of subdivision which was legally created prior to the date of passing of this By-law. Presently, the lot comprises of an area of 0.09 hectares, however, once the severed lot has been added to the adjacent lot, the enlarged lot will have a lot area of 0.18 hectares with a lot frontage of 36.5 metres which will exceed the frontage and area requirements of the Residential One (R1) Zone. Planning staff has no concerns regarding the lot addition, as it is desirable from a planning perspective to have a consistent lot fabric.

With respect to agency comments;

Municipality of Killarney: no concerns with respect to the proposed application.

Bell Canada: no comments with respect to the proposed application.

No further 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 lot addition.

Resolution: 19-048

BE IT RESOLVED THAT Consent Application B/16/19/KL submitted by Kathleen Low be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Paul Branconnier

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.

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 22, 2019, being over fourteen (14) days prior to this evenings meeting (B/18-19/19/SCR – Charles Olivier and Linda Lavigne). 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

d) B/18-19/19/SCR - Charles Olivier and Linda Lavigne

Resolution: 19-049

BE IT RESOLVED THAT Consent Application B/18-19/19/SCR submitted by Charles Olivier and Linda Lavigne be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Paul Branconnier

SECONDED BY: David Viau

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.

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 29, 2019, being over fourteen (14) days prior to this evenings meeting (B/20/19/SC – Richard Gervais). 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.

e) B/20/19/SC - Richard Gervais

The Director of Planning summarized the application.

The lands are located on the west side of Highway 535, south of the West Arm (Nipissing Lake) and north of Island Road West. The subject lands are in an area predominantly of waterfront residential uses with a few residential rural uses.

To sever one (1) waterfront residential lot from the subject lands. The proposed severed lands are to be used for seasonal residential purposes; the proposed retained lands contain the cottages associated with the existing waterfront commercial tourist operations (Sun Valley Lodge) and are to continue to be used as such.

The proposed Zoning By-law Amendment will rezone the lot to be severed through the consent application B/20/19/SC to Waterfront Residential (WR) to recognize the reduced lot area and lot frontage.

Related Application- **B/18/03/SC and ZBA 03-03SC**: The consent application was to sever land from the subject lands and add such land to an abutting parcel of land to the east (Parcel 9937 S.E.S. - Sun Valley Lodge). The proposed lot addition facilitated the future expansion and development of the Sun Valley Lodge (i.e. – additional accommodations and a new field bed).

With respect to the official Plan, **Section 2.2.9.1(7)** when considering a zoning amendment that would remove a water oriented recreational and tourist commercial uses, the application shall be subject to the following policies: the proponent shall submit a market impact study justifying the proposed use, the removal of the tourist commercial use, and its potential impact on the area and its residents; b) the proposed use is desirable and complementary to the immediate and surrounding uses; c) the Planning Board and municipality may require the proponent to have their sewage disposal system tested and possibly replaced to conform to newer technologies for

phosphorous removal; and d) that approvals are obtained to ensure that the sewage disposal system that will service the proposed use is adequate and appropriate. A market study was not required as part of the submission because the conversion from waterfront commercial to a waterfront residential will not negatively impact existing operations of the lodge. The proposal is complementary to the existing waterfront residential uses in the area and the proponent received supportive comments from the Sudbury District Health Unit.

With respect to the zoning by-law, The Waterfront Residential (WR) zone requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres. The proposed lot to be severed will have a lot area of 0.43 hectares and a lot frontage of 44.5 metres which does not meet the lot area and frontage requirements, therefore a site specific provisions will be implemented to address both deficiencies in the By-law.

The Waterfront Commercial Tourist (WCT) zone requires a minimum lot area of 2.0 hectares and a minimum lot frontage of 150.0 metres. The proposed lot to be retained will have a lot area of 2.05 hectares and a frontage of 208.0 metres which meets the requirements of the Zone.

With respect to agency comments;

Staff of the Municipality of St. Charles expressed no comments or concerns with the applications.

Bell Canada: expressed no comments with respect to the proposed application.

MNRF: Access to the proposed lot to be severed is from Island Road West which is maintained year-round by the Municipality of St. Charles. Between the proposed lot to be severed and the year-round is the use of a road on Crown Land. Correspondence was received from the District Planner (Eric Cobb) from the Ministry of Natural Resources and Forestry (MNRF) on April 1st, 2016 stating that the MNRF had no issue using the existing Crown road access to Mr. Gervais's land for his proposed activities and that no upgrades on the section on the road on crown land, therefore no work permit under the public Lands Act would be required.

No further 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 proposed severance.

Resolution: 19-050

BE IT RESOLVED THAT Consent Application B/20/19/SC submitted by Richard Gervais be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Paul Branconnier

SECONDED BY: John Dimitrijevic

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. BUSINESS ARISING FROM PREVIOUS MINUTES

9. NEW BUSINESS

- No new business

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

11. PAYMENT OF VOUCHERS

a) May 2019

Resolution 19-051

BE IT RESOLVED THAT the statement of disbursements for the month of May 2019 in the amount of \$17,035.17 to be distributed and is hereby approved for payment.

MOVED BY: Heide Ralph

SECONDED BY: David Viau

Carried

12. CLOSED SESSION

Resolution 19-052

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 Staff Wage Grid, including municipal or local board employees as per Section 239 (2)(d) of the Municipal Act.

MOVED BY: Heide Ralph

SECOND BY: David Viau

Carried

Resolution 19-055

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

MOVED BY: Paul Branconnier

SECONDED BY: David Viau

Carried

13. ADJOURNMENT

Resolution: 19-056

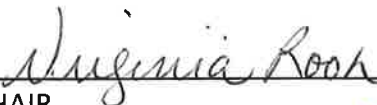
BE IT RESOLVED THAT the Meeting be adjourned at 7:05 P.M.

AND THAT the next regular meeting be held on July 11th, 2019 at 5:30 P.M. at the Sudbury East Planning Board Office in Warren.


MOVED BY: Paul Branconnier

SECONDED BY: David Viau

Carried.



CHAIR



SECRETARY-TREASURER

