

**SUDBURY EAST PLANNING BOARD
MINUTES
Thursday, July 11, 2019 at 5:30 p.m.
Sudbury East Planning Board Office
39 Lafontaine Street, Warren, Ontario**

MEMBERS PRESENT: Carol Lemmon, Paul Branconnier, Rachelle Pigeau
Ginny Rook, John Dimitrijevic, Ned Whycott, Ron Garbutt

MEMBERS ABSENT: Dave Viau, Heide Ralph, Jackie Lafleur

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: 19-057

BE IT RESOLVED THAT the agenda for the Sudbury East Planning Board regular meeting of July 11, 2019 be adopted as distributed.

MOVED BY: Ron Garbutt

SECONDED BY: Paul Branconnier

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 13th, 2019 be adopted as distributed.

Resolution: 19-058

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

MOVED BY: Paul Branconnier

SECONDED BY: Ron Garbutt

Carried

5. PRESENTATION/DELEGATION

6. 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 June 25, 2019, being over fourteen (14) days prior to this evenings meeting (B/17/19/FR – 1381429 Ontario Incorporated). 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/17/19/FR - 1381429 Ontario Incorporated**

The Director of Planning summarized the application.

The subject site consists of a golf course, known as The Maples on the south side of Highway 528, east of Highway 64, in the south-western area of the Municipality of French River. The applicant has applied to change the zoning of the subject lands from 'Open Space (OP)' to 'Residential Rural (RR)' to permit 'Lot 1' (create one residential lot) to be developed for residential purposes.

An application for **Consent (LS-108-SCL92)** in 1992 was submitted to the Board to create one residential lot along Wolseley Bay Road (HWY 528) and it was recommended that the application not be recommended since it was not in keeping with the draft polices regarding infilling, the availability of fire protection services and good planning practice.

An application for **Consent (B/23-31/07/FR)** was submitted to the Sudbury East Planning Board ('the Board') to create **nine (9) residential rural lots**. It was approved by the Board on April 2nd, 2007.

Ontario Municipal Board issued an order that the appeal be dismissed finding that, "...in this case the five lots represent a greater potential conflict with existing farming operations and do not represent good planning.

Ontario Municipal Board was concerned that the applicant had not conducted the appropriate aggregate study for the licenses pits in proximity to Lot 1 as well as the noise study. Also, the OMB stated that it was concerned about the lack of impact calculations relating to lot 1, therefore the OMB repealed By-law 2013-11 of the Municipality of French River and the draft plan of subdivision was not approved.

With respect to the PPS, the opinion that the applicant's proposal would appear to be **not consistent with the Provincial policies, regarding limited residential development, mineral aggregate operations shall be protected, promoting healthy, liveable and safe communities that are sustained, and avoiding development and land use patterns which may cause environmental or public health and safety concerns, and** Sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas, to accommodate an appropriate range and mix of employment opportunities, housing, and other land uses to meet **projected needs for a time horizon of up to 20 years.**

With respect to the Official Plan, the opinion that the applicant's proposal would appear to be **not consistent with the official plan policies, 3.1.2 (Housing) – It is the intent of the Sudbury East Planning Board and its member municipalities to ensure that there is at least a 10-year supply of land designated and available to meet anticipated short term and long term housing demand and 2.1.6.1 – Rural Policy Areas are intended to protect the natural amenities of the Sudbury East Planning Area as well as to provide opportunities for agriculture and resource-based uses, such as forestry, mining and aggregate operations, as well as limited residential developments, where appropriate.**

Public comments:

As of the writing of this report, two letters of objection were received from adjacent property owners who indicated the following; the applicant has developed nine lots in total which remain vacant and the proposal does not represent good planning; secondly, a portion of the aggregate pit has been surrendered which may cause greater concerns as to who will monitor whether or not the boundaries are maintained. Concerns with regard to the licensed pit include, but not limited to, odor and noise from the pit operation in relation to the proposed new lot.

Agency Comments:

Staff of the Municipality of French River had the following comments with regard to municipal drains and parkland. The subject property is part of highway 64 and will require a drainage assessment reapportionment and parkland policy is applicable to the proposed severed lot.

The Ministry of Transportation advises that they are prepared to endorse the proposal. Entrance permits will be required prior to construction of entrances along Highway 528 and permits will be required for any proposed structures, etc. located within 46m of the MTO right-of-way.

Ministry of Natural Resources and Forestry: September 13, 2018 – approval documents for the partial surrenders in Scollard Township were received.

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

The application for consent is not consistent with the 2014 Provincial Policy Statement and does not comply with the Official Plan for the Sudbury East Planning Area, therefore it is recommend that application be denied.

The applicant was present and gave a presentation regarding some history of the property and past applications. Also states how this severance would help in the operations of his golf course and how the lot would be valued at \$40,000.

A Board member had concerns regarding the aggregate pit and operations involved effecting adjacent properties.

Another board member questioned how the previous application of 9 new lots in 2007 was approved and stated they were opposed to the additional severed lot because the subject property has been subdivided 9 times and the general rule of thumb according to the Official Plan is 3 lots. Also commented, if approved what is stopping you from coming to the planning board again for an additional severance? And lastly voiced concerns with the aggregate pit.

Two (2) board members stated concerns with having a large supply of vacant land available in the Rural area and that we should be focusing on creating residential lots in the settlement area such as Noelville and Alban rather than the Rural area, reasons being to protect present and future farming operations.

A board member stated that they visited the subject property and was supportive of the application due to no apparent fumes or trucks in the area and how they felt the lot in question was not near farming.

Board members questioned if the Applicant had intentions of doing further severances in the future on the subject property? Applicant stated, No.

79 Hwy 528 Noelville, ON stated that they would be the future purchasers of the severed lot if approved.

RR #1 301 Hwy 528 Noelville, ON stated concerns with the application regarding P.P.S and how it does not meet the requirements of limited residential.

324 hwy 528 Noelville, ON voiced their concerns regarding preserving Farm land.

The Director of Planning then advised the Chairperson and members that prior to the recommendation being read to the board, the members should be made aware that if they choose to support the recommendation from the director of planning which is to deny the application, to raise their hands, and if the members choose to over turn the recommendation by the Director of Planning, to not raise their hands. Also, the Director of Planning stated that pending the outcome of the vote, the director of planning will provide further procedural guidance.

Resolution: 19-059

BE IT RESOLVED THAT Consent Application B/17/19/FR submitted by 1381429 Ontario Incorporated be NOT recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Paul Branconnier

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.

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 June 25, 2019, being over fourteen (14) days prior to this evenings meeting (B/21-24/19/FR – Marcel Beauvais). 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/21-24/19/FR - Marcel Beauvais

The Director of Planning summarized the application.

The lands are located on the west side of Highway 535 and is 5.75 kilometers north of the Village of Noelville. The subject lands are in an area of residential uses and crown lands.

The purpose of the Application for Consent is to create four lots from the subject lands (please see attached sketch). The retained lands inadvertently merged on title due to ownership which requires the creation of

four lots rather than three. The proposed lots as shown on the aerial photography plate (labelled A through D). Lot A is proposed to be 13.9 hectares in area with a frontage of 175.0 metres and is currently vacant. Lot B is proposed to be 13.9 hectares in area with a frontage of 175.0 metres and is currently vacant. Lot C is proposed to be 21.4 hectares in area with a frontage of 279.8 metres and presently contains single-detached dwelling and a wood frame garage. Lot D is proposed to be 13.9 hectares in area with a frontage of 175.0 metres and is currently vacant. The proposed retained lot is to be 30.8 hectares in area with a frontage of 800.71 metres and is currently vacant

With respect to Official Plan policies, the level of development is consistent with limited development in rural areas.

With respect to zoning; each of the lots meets the minimum requirements of the rural zone.

With Respect to agency comments:

The Municipality of French River has no objection to the severance, however parkland dedication will be applied as a Condition of approval.

The Ministry of Transportation has no objection to the severance.

The Sudbury & District Health Unit (2011) 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 no concerns with respect to the proposed application.

The application for consent is consistent with the 2014 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area.

The applicant and agent were present for questions from the board. The board had no questions.

Resolution: 19-060

BE IT RESOLVED THAT Consent Application B/21-24/19/FR submitted by Marcel Beauvais 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.

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 June 25, 2019, being over fourteen (14) days prior to this evenings meeting (B/15/19/MW – Marc Rainville and Christine Huneault). 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/25/19/MW - Marc Rainville and Christine Huneault

The Director of Planning summarized the application.

The purpose of the Application for Consent is to create one rural lot. The proposed retained lot is to be approximately 5.5 hectares in lot area with a lot frontage of approximately 153 metres and contains a single-detached dwelling and accessory structures including a detached garage and a wood shed. The proposed severed lot is to be approximately 22.8 hectares in lot area with a lot frontage of approximately 100.06 metres and is presently vacant.

With respect to Official Plan policies;

Creation of rural residential lots will be evaluated using a number of criteria including:

- The size and dimensions of the severed and retained parcels are adequate to accommodate the proposed use;
- Adequate access can be provided from a year-round publicly maintained road;
- Access will not create a traffic hazard;
- The severed and retained parcels comply with MDS;
- Adequate sewage and water servicing can or will be provided;
- It is feasible with regard to the other provisions of the Plan, provincial legislation, policies and appropriate
- guidelines and support studies for uses within or adjacent to any development constraint; and
- The request, if granted, would not pose an undue financial burden on the applicable municipality.

In this case, both the severed and retained parcels meet the requirements of the 'Rural (RU)' Zoning. Adequate access for the lot to be retained and proposed severed will be from Rabbit Trail Road which is maintained year-round by the Municipality of Markstay-Warren. Minimum Distance Separation (MDS) is not applicable in this instance, as the development is located within an existing cluster of development. With respect to adequate sewage and water servicing, the agent obtained appropriate documentation with respect to availability of sewage hauling services and probability of potable water. Also, with respect to servicing, the agent has obtained supportive comments from the Sudbury and District Health Unit. A pit is

located west of Rabbit Trail Road, however the proposal is within an existing cluster of development and staff is of the opinion the current operations of the pit would not be affected by the proposal nor will the development pose any negative impacts in terms of public safety and environmental impacts. If the proposal was on the west side of Rabbit Trail Road, an aggregate study would have been required. The subject property is located within the Municipality of Markstay-Warren and is not anticipated to create an undue financial burden.

With respect to zoning; each of the lots meets the minimum requirements of the rural zone.

With Respect to agency comments:

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.

The **Ministry of Environment, Conservation and Parks**: does not consider severance as an 'activity' under ESA that would impact SAR or protected habitat since development is not currently proposed. MECP recommends that the new land owners contact our office for a project screening once they own the property and a development proposal has been finalized in order for MECP to assess impacts to SAR and habitat. It is MECP's preference to work with the proponent who is undertaking an activity (e.g. house development) that may contravene the EDA.

The application for consent is consistent with the 2014 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area.

The agent was present for questions from the board. The board had no questions.

Resolution: 19-061

BE IT RESOLVED THAT Consent Application B/25/19/MW submitted by Marc Rainville and Christine Huneault be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Ron Garbutt

SECONDED BY: Carole 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.

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

7. BUSINESS ARISING FROM PREVIOUS MINUTES

8. NEW BUSINESS

- Budget Update

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

10. PAYMENT OF VOUCHERS

a) June 2019

Resolution 19-062

BE IT RESOLVED THAT the statement of disbursements for the month of June 2019 in the amount of \$17,804.35 to be distributed and is hereby approved for payment.

MOVED BY: Ron Garbutt

SECONDED BY: Paul Branconnier

Carried

13. ADJOURNMENT

Resolution: 19-063

BE IT RESOLVED THAT the Meeting be adjourned at 7:13 P.M.

AND THAT the next regular meeting be held on September 12th, 2019 at 5:30 P.M. at the Sudbury East Planning Board Office in Warren.

MOVED BY: New Whynott

SECONDED BY: Ron Garbutt
Carried.

Virginia Rook
CHAIR

Matthew Dawson
SECRETARY-TREASURER