

**SUDBURY EAST PLANNING BOARD
MINUTES
Thursday, September 12, 2019 at 5:30 p.m.
Sudbury East Planning Board Office
39 Lafontaine Street, Warren, Ontario**

MEMBERS PRESENT: Carol Lemmon, Paul Branconnier, Rachelle Pigeau, Dave Viau, Heide Ralph, Jackie Lafleur, Ginny Rook, John Dimitrijevic, Ron Garbutt

MEMBERS ABSENT: Ned Whynott

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: 19-064

BE IT RESOLVED THAT the agenda for the Sudbury East Planning Board regular meeting of September 12, 2019 be adopted as distributed.

MOVED BY: Ron Garbutt

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 July 11th, 2019 be adopted as distributed.

Resolution: 19-065

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

MOVED BY: Heide Ralph

SECONDED BY: Paul Branconnier

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 August 29, 2019, being over fourteen (14) days prior to this evenings meeting (B/27/19/MW – Claude Raymond). 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/27/19/MW - Claude Raymond**

The Director of Planning summarized the application.

The purpose of the Application for Consent is to one rural lot at 1828 North Road. The proposed retained lot is to be approximately 55.0 hectares in lot area with a lot frontage of approximately 380 metres and contains a single family home with accessory structure including two storage sheds and a mobile home. The retained lot presently has two separate addressees (1828 and 1816 North Road) and two separate entrances on the same property which do not form part of the proposed severance application. 1828 North Road contains a single family home with accessory structure including two storage sheds and 1816 North Road contains a mobile home. The proposed severed lands are to be approximately 5.05 hectares in lot area with a lot frontage of approximately 101.1 metres and contain a school bus and a separate entrance from North Road, but no address.

A review of our files indicates that a total of three (3) lots have been severed from the original parcel of land approximately between 1978 to 1989. The three (3) lots (1684, 1718, and 1798 North Road) were created based on the original approvals.

In my professional opinion, the applicant's proposal is not promoting efficient development and is a continuation of the past which is not good planning. Long term, the irregularity of the proposed lot in relation to the retained lands and the three (3) lots that were approved 40 years ago will have a negative impact and create issues because the existing neighbouring properties as well as the proposed severed lot in relation to the balance of the lands may deal with civil matters in terms of access and trespassing. The intent of planning is to sustain the financial well-being of the Municipality Markstay-Warren over long term. In my opinion, this proposal does not achieve this

goal. Secondly, the proposal exceeds the number of severances from the parent parcel in the rural areas. If approved, four lots would have been created from the original parcel plus the remnant lot. Lastly, the proposed retained lands are legal non-conforming because the subject property contains a single family home and a mobile home. That said, there is a double driveway and double 911 number assigned to the retained lands even though the property is one. The Municipality of Markstay-Warren driveway by-law permits the above, however in this case, in my opinion, the retained lands should only have one 911 address and one entrance to the single family home and mobile home because the intent is for residential purposes, not farming purposes (the second entrance is generally permitted to access farming operations).

Agency Comments:

Staff of the Municipality of Markstay-Warren: Concerning 1816-1828 North Road and the double driveway and double 911 number assigned to the property...Our by-law doesn't state that they can't have 2 – 911 #'s or that he can't have two driveways. The 911 by-law was created in 1999 and a small revision was made to recently to allow vacant lands the ability to have them, but still not preventing of more than one # and the driveway by-law was created in 2001 under the drainage act.

Hydro One: no concerns with regard to the proposal.

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

Ministry of Environment, Conservation and Parks: If Blanding Turtle or other species at risk is encountered while conducting the activity, you are advised to stop work immediately and contact us further directions. The area for development has already been cleared and appears to be greater than 30 metres from any wetland, stream, or waterbody.

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.

A board member questioned where the existing home and house trailer were located. The Director of Planning stated that they were located on the proposed retained lands.

Also a board member questioned, would you take into consideration when the Official Plan was in effect and the timeline as to when the previous lots were created? The director of Planning answered there was a zoning by law put in place in 1981 which speaks to rural and residential rural lots.

A board member asked if the Municipality of Markstay-Warren had any objections regarding the application. The Director of Planning informed the board that the Municipal Circulation List that was sent out to the Municipality of Markstay-Warren was not completed and submitted to the Sudbury East Planning Board to form part of the Directors report therefore there are no comments for nor against the application. Board member stated maybe it would be best to defer the application until comments are received from the Municipality.

Two (2) board members stated that, in their view, a no response would equal to no concerns on the matter. Members agreed that that may be the situation with this Application and agreed if the municipality of Markstay-Warren did not have any issues with the severance that it was best to approve the application.

Resolution: 19-067

BE IT RESOLVED THAT Consent Application B/27/19/MW submitted by Claude Raymond be NOT recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Ron Garbutt

SECONDED BY: Paul Branconnier

DEFEATED

Resolution: 19-067

BE IT RESOLVED THAT Consent Application B/27/19/MW submitted by Claude Raymond be recommended for approval as per the decision from the Sudbury East Planning Board.

MOVED BY: Heide Ralph

SECONDED BY: Jackie Lafleur

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 August 29, 2019, being over fourteen (14) days prior to this evenings meeting (B/28/19/FR – Shane Reinders and Kalynn Parrott). 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/28/19/FR - Shane Reinders and Kalynn Parrott

The Director of Planning summarized the application.

The purpose of the Application for Consent is to create one rural lot. The proposed lot to be severed is approximately 5.1 hectares in lot area and has a lot frontage of approximately 200 metres on Heritage River Road and is presently vacant. The proposed retained lot is to be approximately 51.2 hectares in lot area and have a lot frontage of approximately 56 metres on Cow Bay Road and presently contains a single family home, carport and a wood shed.

The purpose of the minor variance is to recognize the reduced lot frontage for the retained lot from the 100.0 metres required by the 'Rural (RU)' provisions of the Zoning By-law 2014-23.

The lands have frontage that meander along the south and west portion of Heritage River road. Also, the lands are accessed via Cow Bay Road, a maintained year-round road that is approximately 250 metres from Heritage River road. South of Cow Bay road are seven waterfront residential properties. The applicant's property is located on the north side of Cow Bay road. To the west of the subject property are rural lands and to the east, the property is adjacent to crown land.

With respect to Official Plan policies, the level of development is consistent with limited development in rural areas. Limited residential development in the form of **single detached dwellings** may be permitted in areas designated "Rural" without requiring an amendment to this Plan, but may be subject to rezoning.

With respect to zoning; The 'Rural (RU)' Zone permits a single detached dwelling. The minimum lot area requirement is 5.0 hectares and the minimum lot frontage requirement is 100.0 metres. each of the lots meets the minimum requirements of the rural zone. The variance is to facilitate the creation of one rural lot, therefore the proposal is largely technical in nature. The Director of Planning recommends that the variance be approved as it is minor, appropriate development for the area and both Official Plan and Zoning By-law are maintained.

With Respect to agency comments:

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

Municipality of French River: had no objections. The consent application would be subject to the following conditions: to part of Cow Bay Drain and will require a drainage assessment re apportionment, a road transfer and parkland decimation is required.

The application for consent is consistent with the 2014 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area, therefore can be supported from planning perspective.

Resolution: 19-068

BE IT RESOLVED THAT Consent Application B/28/19/FR submitted by Shane Reinders and Kalynn Parrott be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Heide Ralph

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.

7. BUSINESS ARISING FROM PREVIOUS MINUTES

8. NEW BUSINESS

a) MMAH Funding

Resolution 19-069

BE IT 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 SEPB for the delivery of planning services in the planning area from April 1, 2019 to March 31, 2020

MOVED BY: Heide Ralph

SECONDED BY: David Viau

b) Selection of two Board Members for Director of Planning Annual Evaluation

Resolution 19-070

BE IT RESOLVED THAT Sudbury East Planning Board members Ginny Rook and Jackie Lafeur will perform the Annual Personal Evaluation for the Director of Planning.

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

10. PAYMENT OF VOUCHERS

a) July 2019 and August 2019

Resolution 19-071

BE IT RESOLVED THAT the statement of disbursements for the month of July 2019 in the amount of \$15,285.03 and for the month of August in the amount of \$18,089.15 be distributed and is hereby approved for payment.

MOVED BY: Paul Branconnier

SECONDED BY: Heide Ralph

Carried

13. ADJOURNMENT

Resolution: 19-072

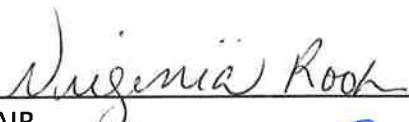
BE IT RESOLVED THAT the Meeting be adjourned at 6:42 P.M.

AND THAT the next regular meeting be held on October 10th, 2019 at 5:30 P.M. at the Sudbury East Planning Board Office in Warren.

MOVED BY: Paul Branconnier

SECONDED BY: Jackie Lafleur

Carried.



CHAIR



SECRETARY-TREASURER

