

**SUDBURY EAST PLANNING BOARD
MINUTES
Thursday, September 10, 2020 at 5:30 p.m.
Sudbury East Planning Board Office
39 Lafontaine Street, Warren, Ontario**

MEMBERS PRESENT: Carol Lemmon, Ned Whynott, Dave Viau, Renee Carrier, Robert Campbell, Paul Branconnier, John Dimitrijevic

MEMBERS ABSENT: Jackie Lafleur, Heide Ralph, Rachelle Pigeau

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

PUBLIC PRESENT: Mike Bouffard, Bob Prevost

1. MEETING CALLED TO ORDER

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

2. ADOPTION OF THE AGENDA

Resolution: 20-033

BE IT RESOLVED THAT the agenda for the Sudbury East Planning Board regular meeting of September 10, 2020 be adopted as distributed.

MOVED BY: David Viau

SECONDED BY: Renee Carrier

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 09th, 2020 be adopted as distributed.

Resolution: 20-034

BE IT RESOLVED THAT the minutes of the Sudbury East Planning Board's regular meeting of July 09, 2020 be adopted as distributed.

MOVED BY: Paul Branconnier

SECONDED BY: New Whynott

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 August 21, 2020, being over twenty (20) days prior to this evenings meeting (ZBA 20-13BRW- Raymond Sabourin and Doreen Thompson). 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 20-13BRW – Raymond Sabourin and Doreen Thompson

The Director of Planning summarized the application.

The subject lands are surrounded by Crown Shore Road Allowance, with waterfront residential lots at various locations on Nepewassi Lake to both the west and east.

The purpose of the Application for Consent is to sever the existing waterfront residential properties that merged on title due to the pattern of ownership. The proposed severed lot is to be approximately **0.05 hectares in lot area** with a **water frontage of approximately 16.15 metres**; the proposed retained lands are to be approximately **0.12 hectares in lot area** with a **water frontage of approximately 29.08 metres**. Presently, the proposed severed lands contain an existing cottage; and the proposed retained lands contain an existing cottage and a shed.

The Proposed Zoning By-law Amendment is to facilitate the consent application (B/17/20/BRW). The Waterfront Residential (WR) zone classification of the proposed lot to be severed and retained will remain the same, but a Special Provision will be implemented for the following:

- Maintain the present zoning of the property;
- Recognize the existing lot areas, lot frontages;
- the maximum lot coverage of all buildings and structures for the severed lot shall be sixteen percent (16%);
- the maximum lot coverage of all buildings and structures for the retained lot shall be sixteen percent (16%).

With respect to the OP,

In accordance with Section 2.2.9.1.4, in the Waterfront land use designation, **one primary dwelling is permitted on each residential lot.**

With respect to zoning, it is not the practice of the Board to support the creation of undersized lots, however the Board has made exceptions **only** when the subject properties contain existing dwellings. With that said, 500 and 510 North Shore Road contain each an existing cottage, and each have their own existing septic systems that were approved from the Sudbury District Health Unit.

The Waterfront Residential Zone requires a minimum lot area of 0.8 hectares, and a minimum lot frontage of 60.0 metres. In this case, the proposed severed lot is to be approximately **0.05 hectares in lot area** with a **water frontage of approximately 16.15 metres**; the proposed retained lands are to be approximately **0.12 hectares in lot area** with a **water frontage of approximately 29.08 metres**.

Agency Comments:

No comments were received, as of the date of writing this report, through agency circulation or from the public.

The application for consent is consistent with the 2020 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area, therefore can be supported from planning perspective.

There were no questions or comments from the Board.

Resolution: 20-035

BE IT RESOLVED THAT By-law Number 20-02 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 20-13BRW, submitted by Raymond Sabourin and Doreen Thompson be read a first and second time this 10th day of September, 2020.

MOVED BY: Renee Carrier

SECONDED BY: Paul Branconnier

Carried

Resolution: 20-036

BE IT RESOLVED THAT By-law Number 20-02 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 20-13BRW submitted by Raymond Sabourin and Doreen Thompson be read a third and final time this 10th day of September, 2020.

MOVED BY: Robert Campbell

SECONDED BY: John Dimitrijevic

Carried

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 August 26, 2020, being over fourteen (14) days prior to this evenings meeting (B/14/20/FR – Lise Paden and Katherine Murrel). 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/14/20/FR – Lise Paden and Katherine Murrel**

The Director of Planning summarized the application.

The purpose of the Application for Consent is to effect a lot addition. The application will sever a portion of Lot 17 from Plan 53M-1273 which is to be added to Lot 18, Plan 53M-1273. The lot addition is to resolve an encroachment issue where an addition was constructed to an existing cottage. A portion of the addition is located on Lot 17, Plan 53M-1273, therefore the boundaries must be realigned to ensure that the structure is located entirely on Lot 18, Plan 53M-1273.

Applications B/24/18/FR & A/04/18/FR were approved by the Planning Board and the Council of the Municipality of French River respectively, in 2018, however the consent in principle conditions lapsed, causing the applicant re-apply to receive conditional approvals for both applications again as per the Planning Act requirements.

With respect to the OP, Lands designated Waterfront Policy Area are intended to provide the main locations for seasonal and limited permanent residential, recreational, and tourism-oriented commercial uses. Section 2.2.9.1(4), permits one primary dwelling on each residential lot as well as a single secondary sleeping cabin and accessory structures in compliance with the requirements of the Zoning By-law.

With respect to zoning, The 'Waterfront Residential (WR)' Zone permits a single detached dwelling, a home occupation, bed and breakfast, boathouse, sleep cabin and other accessory structures in accordance with the applicable provisions. 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 the consent application, it will have an area of 0.81 ha (originally 0.75 ha), which exceeds the requirements of 0.8 ha of the WR Zone, however the lot frontage remains below the requirements of 60.0 metres (originally 49.0 metres) of the Zone. Section 6.26(c) of the Zoning By-law provides that where lands are added to an existing undersized parcel, that such lot is deemed to comply with the minimum lot frontage requirements, therefore no further variances are required to recognize the reduced lot frontage.

That said, as a condition of approval, an application for minor variance is required to permit a reduced setback from the new realigned Interior Side Yard setback.

With Respect to agency comments:

The Clerk of the Municipality of French River advised that these applications are not subject to Conditions to Municipal Drains, Parkland Dedication, or any road transfers.

Union Gas: Enbridge Gas Inc. does have services line running within the area which may or may not be affected by the proposed severance.

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

The application for consent is consistent with the 2020 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area, therefore can be supported from planning perspective.

There were no questions or comments from the Board.

Resolution: 20-037

BE IT RESOLVED THAT Consent Application B/14/20/FR submitted by Lise Paden and Katherine Murrel 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 August 26, 2020, being over fourteen (14) days prior to this evenings meeting (B/15/20/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.

b) B/15/20/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. The proposed lot is to be 0.8 hectares in area with a frontage of 80.0 metres and is currently vacant. The retained lot is to be 118.98 hectares in area with a frontage of 656.0 metres and consists of Maples golf course.

In 2019, the Sudbury East Planning Board denied approval to permit 'Lot 1' (create one residential lot) to be developed for residential purposes. The proposed lot was to be 0.8 hectares in area with a frontage of 70.0 metres and was currently vacant.

With respect to the PPS 2020, Rural Lands in Municipalities, specifically section 1.1.5.2 c) residential development, including lot creation, that is **locally appropriate**. **THE PPS was amended on May 1st, 2020.**

*The proposed development is **locally appropriate** for the following reasons.*

- *Supportability from Noelville sanitation limited which can provide sewage pump out services;*
- *Houle well drilling limited stating that water well is in the surrounding area;*
- *Ministry of Transportation had no objection to the proposed development, however the agency provided additional notes as part of the severance and zoning;*
- *Municipality of French River had no concerns with the proposal. Conditions are to be attached;*
- *Ministry of Energy, Northern Development and Mines had no concerns regarding the severance or the ZBA at this site;*
- *Union Gas does have service lines running within the area which may or may not be affected by the proposed severance;*
- *Sudbury District Health Unit approval on April 12th 2019 and revised on May 28th, 2020 (previous consent application): the proposed severed and retained lots are capable of development for installation of a septic tank and leaching bed system.*

With respect to the OP; specifically aggregate resource site, To address Section 2.5 of the Provincial Policy Statement as well as Section 3.8 of the Official Plan the applicant received approval from the Ministry of Natural Resources and Forestry to partially surrender aggregate license 612561 and 612562 which now exceeds a 300.0 meter setback, therefore the applicant did not submit an aggregate study.

Ministry of Energy, Northern Development and Mines provided comments stating that their agency had no concerns regarding the severance or the ZBA at this site. The agency checked this property for mining land tenure, geology, mineral deposits, mineral and aggregate potential abandoned mines sites and natural geological hazards.

MDS I Calculations are generally applied to all livestock facilities reasonably expected to be impacted by the proposed development, lot creation, rezoning or re-designation.

MDS II Calculations are generally applied to all development reasonably expected to be impacted by the proposed first or expanded livestock facility.

Minimum Distance Separation he proposed 'Lot 1' exceeds the requirements for a MDS calculation, therefore MDS study was not required by the applicant.

With respect to zoning, The proposed implementing Zoning By-law will recognize the intended use of a portion of the subject lands (rural residential consent application); the other lands owned by the applicant located will remain as 'Open Space (OS)'.

The 'Residential Rural (RR)' Zone requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres. Lot 1 has an area of 0.8 hectares and a frontage of 80.0 metres. Lot 1 complies with the minimum lot area and the minimum lot frontage requirements of the Zoning By-law for the Municipality of French River.

With Respect to agency comments:

Staff of the Municipality of French River had the following comments about 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. **A Storm Water Management Brief, completed by an engineer registered in Ontario, is require for MTO review and approval.**

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 – May 28th, 2020.

Ministry of Energy, Northern Development and Mines had no concerns regarding the severance or the ZBA at this site;

Union Gas does have service lines running within the area which may or may not be affected by the proposed Severance.

Ministry of the Environment, Conservation, and Parks: no comments received

Bell Canada had no objections with respect to the proposed application.

Two phone calls were received from an adjacent property owners who required further information pertaining to the proposed severance.

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

The applications for consent are consistent with the 2020 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area, therefore can be supported from planning perspective.

There were no questions or comments from the Board.

Resolution: 20-038

BE IT RESOLVED THAT Consent Application B/15/20/FR submitted by 1381429 Ontario Incorporated be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Robert Campbell

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 August 26, 2020, being over fourteen (14) days prior to this evenings meeting (B/16/20/SC – Guy Daoust). 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/16/20/SC - Guy Daoust

The Director of Planning summarized the application.

The Sudbury East Planning Board has received applications for consent and zoning by-law amendment which proposes to create one residential rural lot from the subject lands having road frontage on Napran Road and Chamberlin Road in the Municipality of St. Charles; and to rezone such lot from 'Rural (RU)' to 'Residential Rural (RR)' to recognize the intended use of the lots. The proposed severed lot will have a lot area of 2.01 hectares and a lot frontage of 120.0 metres on Chamberlin Road and is presently vacant; while the proposed retained lot will have a lot area of 23.69 hectares and a lot frontage of 625.40 metres on Napran Road and presently contains a single detached dwelling.

The proposed Zoning By-law Amendment will rezone the lot to be severed through the consent application B/16/20/SC to Residential Rural (RR) to recognize the intended use of such lot.

With respect to the OP, Lands designated "Rural" shall be used primarily for agriculture, farm related and secondary uses as well as resource-based activities, such as forestry, mining and aggregate operations, etc. Service and tourist commercial uses, publicly owned open spaces and **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 requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100.0 metres. The lot to be retained will continue to meet those requirements. However, the lot to be severed will have an area of 0.80 hectares which is below the minimum lot area requirement of the RU

Zone. The severed lot is proposed to be rezoned to the 'Residential Rural (RR)'. The RR zones requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres. The proposed severed lot will continue to meet the requirements of the RR Zone once the severed lot is rezoned.

With Respect to agency comments:

Clerk for Municipality of St. Charles: There is a drain on this property, and it will require reassessment.

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

Union Gas: does have service lines running within the area which may or may not be affected by the proposed severance.

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

The application for consent is consistent with the 2020 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area, therefore can be supported from planning perspective.

There were no questions or comments from the Board.

Resolution: 20-039

BE IT RESOLVED THAT Consent Application B/16/20/SC submitted by Guy Daoust be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: David Viau

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 August 21, 2020, being over fourteen (14) days prior to this evenings meeting (B/17/20/BRW – Raymond Sabourin and Doreen Thompson.). 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/17/20/BRW – Raymond Sabourin and Doreen Thompson**

The subject lands are surrounded by Crown Shore Road Allowance, with waterfront residential lots at various locations on Nepewassi Lake to both the west and east.

The purpose of the Application for Consent is to sever the existing waterfront residential properties that merged on title due to the pattern of ownership. The proposed severed lot is to be approximately **0.05 hectares in lot area** with a **water frontage of approximately 16.15 metres**; the proposed retained lands are to be approximately **0.12 hectares in lot area** with a **water frontage of approximately 29.08 metres**. Presently, the proposed severed lands contain an existing cottage; and the proposed retained lands contain an existing cottage and a shed.

The Proposed Zoning By-law Amendment is to facilitate the consent application (B/17/20/BRW). The Waterfront Residential (WR) zone classification of the proposed lot to be severed and retained will remain the same, but a Special Provision will be implemented for the following:

- Maintain the present zoning of the property;
- Recognize the existing lot areas, lot frontages;
- the maximum lot coverage of all buildings and structures for the severed lot shall be sixteen percent (16%);
- the maximum lot coverage of all buildings and structures for the retained lot shall be sixteen percent (16%).

With respect to the OP,

In accordance with Section 2.2.9.1.4, in the Waterfront land use designation, **one primary dwelling is permitted on each residential lot.**

With respect to zoning, it is not the practice of the Board to support the creation of undersized lots, however the Board has made exceptions **only** when the subject properties contain existing dwellings. With that said, 500 and 510 North Shore Road contain each an existing cottage, and each have their own existing septic systems that were approved from the Sudbury District Health Unit.

The Waterfront Residential Zone requires a minimum lot area of 0.8 hectares, and a minimum lot frontage of 60.0 metres. In this case, the proposed severed lot is to be approximately **0.05 hectares in lot area** with a **water frontage of approximately 16.15 metres**; the proposed retained lands are to be approximately **0.12 hectares in lot area** with a **water frontage of approximately 29.08 metres**.

Agency Comments:

No comments were received, as of the date of writing this report, through agency circulation or from the public.

The application for consent is consistent with the 2020 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area, therefore can be supported from planning perspective.

There were no questions or comments from the Board.

Resolution: 20-040

BE IT RESOLVED THAT Consent Application B/17/20/BRW submitted by Raymond Sabourin and Doreen Thompson be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: David Viau

SECONDED BY: New Whynott

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****a) Selection of two Board Members for Director of Planning Annual Evaluation****Resolution 20-041**

BE IT RESOLVED THAT Sudbury East Planning Board members Carol Lemmon and New Whynott will perform the Annual personal Evaluation for the Director of Planning.

MOVED BY: Robert Campbell

SECONDED BY: Paul Branconnier

10. NOTICES OF MOTION RECEIVED BY THE SECRETARY-TREASURER PRIOR TO THE CLOSING OF THE MEETING**11. PAYMENT OF VOUCHERS****a) July and August 2020****Resolution 20-042**

BE IT RESOLVED THAT the statement of disbursements for the month of July 2020 in the amount of \$13,774.49 and August 2020 in the amount of \$17,671.13 be distributed and is hereby approved for payment.

MOVED BY: New Whynott
SECONDED BY: John Dimitrijevic

Carried

12. ADJOURNMENT

Resolution: 20-043


BE IT RESOLVED THAT the Meeting be adjourned at 6:40 P.M.

AND THAT the next regular meeting be held on November 12th, 2020 at 5:30 P.M. at the Sudbury East Planning Board Office in Warren.

MOVED BY: David Viau
SECONDED BY: New Whynott

Carried.


CHAIR


SECRETARY-TREASURER