

**SUDBURY EAST PLANNING BOARD
MINUTES
Thursday, May 19, 2022 at 5:30 p.m.
Municipality of French River
Virtual Meeting**

MEMBERS PRESENT VIRTUALLY: Dave Viau, Rob Campbell, Ned Whynott, John Dimitrijevic, Paul Branconnier, Renee Germian

MEMBERS PRESENT: Carol Lemmon

MEMBERS ABSENT: Renee Carrier, Jackie Lafleur, Rachelle Pigeau,

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

PUBLIC PRESENT VIRTUALLY: Cameron Hoepf, Kevin Jarus, Vanessa Smith

1. MEETING CALLED TO ORDER

The Chair called the meeting to order at 5:32 p.m.

2. ADOPTION OF THE AGENDA

Resolution: 22-032

BE IT RESOLVED THAT the agenda for the Sudbury East Planning Board regular meeting of May 19th, 2022 be adopted as distributed.

MOVED BY: Paul Branconnier

SECONDED BY: Dave Viau

Carried.

3. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

4. ADOPTION OF MINUTES

a) Sudbury East Planning Board – Regular meeting of April 14th, 2022 be adopted as distributed.

Resolution: 22-033

BE IT RESOLVED THAT the minutes of the Sudbury East Planning Board's regular meeting of April 14, 2022 be adopted as distributed.

MOVED BY: Dave Viau

SECONDED BY: Ned Whynott

Carried

5. PRESENTATION/DELEGATION

6. PLAN OF SUBDIVISION

a) 52t- 22001kl – Jean Joy, Trustee for the Estate of Margaret Roque

The chair advised that a Public Hearing will be held before the Planning Board makes a decision on a Subdivision 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 Subdivision 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 04th, 2022, being over fourteen (14) days prior to this evenings meeting (52T-22001KL– Jean Joy, Trustee for the Estate of Margaret Roque). Included with the Notice was an explanation of the purpose and effect of the proposed Subdivision 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.

The subject lands are surrounded by approximately 28 waterfront residential properties to the north. Highway 637 abuts to the east, Crown land and Georgian Bay to the west, and open space (golf course) to the south.

The subject lands are approximately 22.10 hectares in lot area with a lot frontage of approximately 782.10 metres on the south side of Perry Avenue in the Municipality of Killarney and presently is vacant. Also, a Hydro One power line runs along the central and easterly frontage of the subject property.

The Sudbury East Planning Board has received an application for draft plan of subdivision to facilitate the development of a 15-lot draft plan of subdivision on the south side of Perry Avenue. An overall individual minimum lot size of 0.8 hectare is being proposed. Each lot is proposed to have an approximate lot area exceeding 0.8 hectares and lot frontages of approximately 50.0 to 65.0 metres. An approximate 1.63-hectare block of land is to be transferred to the Municipality for parkland purposes which is identified as 'Block A' as part of the plan.

With respect to the Official Plan;

Section 3.4.2 Servicing

3.4.2 – Where municipal sewage services are not available, the proponent shall demonstrate that the soil and drainage conditions are suitable or can be made suitable to permit proper siting of buildings and the installation

of an appropriate disposal system. Where well water is proposed as the source of potable water, the proponent shall provide a report prepared by a qualified professional indicating there is a reasonable expectation that suitable water will be available for the development based on an examination of the water quality and quantity is existing surrounding wells.

The following conclusions have been provided:

- There is a reasonable expectation that suitable groundwater supplies will be available for the proposed development, under the general provisions of MOECP Procedure D-5-5.
- The water quality from the local bedrock aquifer is considered potable. Any observed exceedances of Ontario Drinking Water Objectives were in the non-health related category and are considered treatable with commercially available point-of-use water treatment devices.
- The proposed subdivision lot sizes are sufficient for the design and function of individual onsite sewage disposal systems, under the general provisions of MOECP Procedural D-5-4. A detailed lot by lot assessment was not carried out at the present preliminary level of study.

Section 3.5 Natural Heritage

The goal is to protect significant and sensitive natural features and functions. As part of a complete application, the consultants completed an evaluation of significant wildlife habitat to determine if the proposed applications would impact Alga Pondweed and Deer Yarding Area. The report concluded that no suitable habitat within the subject property with respect Alga Pondweed. Also, with respect to Deer Yarding, it was determined that the subject property is not located within nor does it contain the Deer Yarding area. These findings confirm that there would be no negative impact on these wildlife habitats and that no further studies are required.

Also, P Julig Surveys was conducted to conduct a Stage 1 and 2 Archaeological Assessment of a proposed subdivision along Perry Avenue. Since the proposed development is located within proximity to the Killarney Bay Site, contains ancient beaches and likely contains portions that were historically farmed, a Stage 2 was conducted. Archaeological site BIHj-4 was identified. It is located within Block A. Since a large well known, and well researched Middle Woodland site already exists nearby and based on the considerations of Indigenous input, it is believed that protection of the newly identified site is the best course of action.

Recommendation:

- A portion of Lot 15 to be partially cleared that does not contain the 50 metres monitoring buffer for archaeological site BIHj-4.
- Block A be set aside as a "park" lot with restrictions on construction and none within 20 metres buffer of site BIHj-4.
- A stage 3 archaeological assessment is recommended for BIHj-4 if any construction is to take place within 50 monitoring buffers of the site.
- A request to the Ministry of Heritage, Sports, Tourism and Culture Industries (MHSTCI) to provide a letter confirming there are no further concerns about alterations to archaeological sites for the specified area contained within Lot 15 of the proposed subdivision.

Section 4.3 Subdivisions

In considering a draft plan of subdivision, it shall be consistent with the Provincial Policy Statement and regard shall be had, among other matters, to the health, safety, and welfare of the present and future inhabitants of the Planning Area and to:

- the Planning Act and other provincial legislation, policies, guidelines, and interests. *The PPS 2020 conforms to this proposal (please refer to page two of this report).*
- whether the proposed subdivision is premature or in the public interest, as determined by the Planning Board.
- the suitability of the land for the purposes for which it is to be used considering the land use and environmental policies of this Plan.
- the dimension and shapes of the proposed lots. *The proposal is compatible with the existing neighborhood character.*
- the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be built on it and the restrictions, if any, on adjoining land.
- the proposal's feasibility about the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses within or adjacent to any development constraints identified on Schedule "D" and within Part III of this Plan. *The proposal provided favorable recommendations with respect to the natural heritage features as well as services (hydrogeology report).*
- the area of land that is to be conveyed or dedicated for public purposes. *The development is proposing a 1.2-hectare block for parkland dedication purposes.*
- the financial impact on the applicable municipality. *The addition of housing will benefit the municipality in the long term by increasing tax revenue and most importantly, by stimulating economic development in Killarney.*

The application, as proposed, generally conforms to the intent and the policies of the Official Plan.

With respect to Zoning:

The 'Residential Rural (RR)' Zone requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres. Each of the proposed lots have a lot area of 1.10 to 1.93 hectares and frontages of 50.0 to 65.3 metres respectively.

At present, lots 1 to 15 have been re-zoned through by-law no. 2021-08 and approved by Council.

The 'Open Space (OS)' Zone requires a minimum lot area of 0.4 hectares and a minimum lot frontage of 30.0 metres. Proposed Block A, once rezoned, will meet the requirements of the OS Zone. The proposed lot area is 1.63 hectares with a lot frontage of 50.0 metres and is presently vacant.

Re-zoning of Block A and back 2/3rds of Lot 15 must be addressed through the draft plan of subdivision conditions.

The application, as proposed, complies with the regulations of the Zoning By-law.

Agency Comments:

Chief Administrative Officer/Clerk had no concerns with the proposed development.

Chief Building Official: main concern is that the drainage between all lots and in relation to the road are address.

Ministry of Transportation: MTO would require from the traffic brief, please see below:

Intersection analysis at the intersection with Hwy 637 – including looking at the operation of the intersection with the anticipated increase in volume to determine if improvements are necessary to maintain operational safety.

- Analysis horizon years
- Traffic Analysis
 - Historic AADT
 - When completing analysis ensure to look at Weekday and Weekend peaks for historic and anticipated traffic
 - Development driven volumes
 - Provide synchro outputs
 - Queue analysis – will the increased traffic create queue issues at the Hwy 637 intersection
 - Trip generation

In the event highway improvements are required a Legal Agreement is required between the landowner and the MTO. The Agreement would include, but is not limited to, the following terms:

- The required highway improvements must be agreed upon before Ministry permits are issued and completed before the development opens for business.
- The landowner agreeing to assume financial responsibility for the design and construction of all associated highway improvements.
- The requirement for an irrevocable standby Letter of Credit for the full cost of the required highway works.

Hydro One: existing primary pole line going through this property, we would like to secure easements prior to a severance or subdivision going ahead.

Anishinabek (KL): very high archaeological potential. Killarney Bay 1 site located on Perry Avenue, another burial site and a petroglyphs site. An impact assessment is required for all severances.

P Julig Surveys was conducted to conduct a Stage 1 and 2 Archaeological Assessment: A portion of Lot 15 to be partially cleared that does not contain the 50 metres monitoring buffer for archaeological site BIHj-4. Block A be set aside as a “park” lot with restrictions on construction and none within 20 metres buffer of site BIHj-4. A request to the Ministry of Heritage, Sports, Tourism and Culture Industries (MHSTCI) to provide a letter confirming there are no further concerns about

alterations to archaeological sites for the proposed subdivision.

specified area contained within Lot 15 of the

Two comments have been received from neighboring property owners. The comments were regarding the proposed layout of the individual lots.

No other comments or concerns were raised through agency circulation.

The application for consent is consistent with the 2020 Provincial Policy Statement, conforms with the Official Plan for the Sudbury East Planning Area and the Zoning By-law for the Municipality of French River, therefore can be supported from planning perspective.

Councillor Branconnier stated how he thought this was a fantastic development for the municipality of Killarney. Also questions if each lot will be individually serviced? Kevin Jarus (agent) reassured the board, that yes all lots will be individual services.

Councillor Whynott also stated how this development was great for the municipality of Killarney area.

Agent Kevin Jarus ended with acknowledging how the Sudbury East Planning Board staff made the process efficient and appreciated the quality of correspondence received during the 2 year application process.

Resolution 22-034

BE IT RESOLVED THAT the Subdivision Application 52T-22001KL submitted by Jean Joy, Trustee for the estate of Margaret Roque be recommended for approval as per the report prepared by the Director of Planning

MOVED BY: John Dimitrijevic

SECONDED BY: Rob Campbell

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 Ontario Land Tribunal.

The applicants have three years to fulfill the conditions of this provisional consent or the approval will lapse.

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 April 20, 2022, being over twenty (20) days prior to this evening's meeting (ZBA 22-07SCR- James Hubley and Tina DiNunzio). 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. ZONING BY-LAW AMENDMENTS

a) ZBA 22-07SCR – James Hubley and Tina DiNunzio

The Director of Planning summarized the application.

The subject lands are surrounded by residential rural uses and is located on the north side of Horseshoe Lake Road. City of Greater Sudbury abuts the subject property to the north. Residential Rural uses are adjacent to the subject property to the west and east. South of the subject property are pre-dominant rural uses.

The Proposed Amending By-law will maintain the current Residential Rural (RR) Zone; however, additional regulations are to be implemented to recognize both an existing lot frontage and lot area which do not conform to the current RR Zone due to the fact the subject property is a result of a natural severance. The applicant intends to construct a single-family home on the subject property.

Official Plan

Residential development within the Rural Policy Area is to be directed to settlement areas as a priority. Where the severed parcel is intended for infilling within existing development clusters, the priority will be to locate the severed parcel between existing residential lots that form part of the cluster.

With respect to zoning;

The proposed amending Zoning By-law will establish provisions to Section 7.6.2 zone requirements for the said lot under the Residential Rural (RR) Zone.

The RR Zone requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres. As a result of the natural severance, the subject property has an existing lot area of 0.44 hectares and lot frontage of 31.61 metres, therefore the addition of Special Provision 35 is to recognize the existing lot area and lot frontage.

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

Agency Comments:

Hydro One: no concerns.

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, conforms with the Official Plan for the Sudbury East Planning Area and the Zoning By-law for the Municipality of French River, therefore can be supported from planning perspective.

Resolution: 22-035

BE IT RESOLVED THAT By-law Number 22-03 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 22-07SCR, submitted by James Hubley and Tina DiNunzio be read a first and second time this 19th day of May, 2022.

MOVED BY: Ned Whynott

SECONDED BY: Dave Viau

Carried

Resolution: 22-036

BE IT RESOLVED THAT By-law Number 22-03 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 22-07SCR submitted by James Hubley and Tina DiNunzio be read a third and final time this 19th day of May, 2022.

MOVED BY: New Whynott

SECONDED BY: Rob Campbell

Carried

8. CONSENTS

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 04th, 2022, being over fourteen (14) days prior to this evenings meeting (B/13/22/FR – Maurice Laforest). 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/13/22/FR – Maurice Laforest

The Director of Planning summarized the application.

The Sudbury East Planning Board has received an application for consent which proposes to create an access easement (right-of-way) over the above noted parcel of land to provide continued legal access over an existing driveway at 244 Heritage River Road. The proposed access easement is approximately 269.8 square metres in lot area with a lot frontage of 3.1 metres and is vacant.

Official Plan:

Lands designated in the 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.

As per Section 3.3.2.19, Private Roads are roads that are not owned or maintained by the province or a municipality or maintained by a local roads board that service two or more properties in separate ownership. Development, i.e. lot creation on private roads is discouraged. However, there are many instances in the Planning Area where there are existing lots of record on private roads or that are accessed over crown land or via easement over private land.

In this case, the subject property has legal road frontage on Heritage River Road which is a public road that is assumed and maintained year-round by the Municipality of French River. In 2008, the subject property was severed into two rural residential lots which was approved by the Planning Board. Individual certificates of consent were granted and both lots were purchased by the applicants. Subsequently, the applicants choose to construct a single-family home in 2017 on 244 Heritage River Road while roll number 5201-030-000-463-10 remained vacant. During that time, the applicants also constructed a driveway on 244 Heritage River Road. Upon a recent agreement purchase of sale for the vacant lot, it was noted that the existing driveway is located on roll number 5201-030-000-463-10 and not on 244 Heritage River Road, therefore an access easement is to be granted in favor to 244 Heritage River Road to provide continued legal access on the existing driveway.

With respect to zoning;

The Residential Rural (RR) Zone requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres. In this case, the subject property conforms to the RR zone requirements respectively.

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

Agency Comments:

Municipality of French River: we do not have any comments or concerns in relation to this application and that the application is not subject to conditions relating to municipal drains, parkland dedication, or any road transfers.

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, conforms with the Official Plan for the Sudbury East Planning Area and the Zoning By-law for the Municipality of French River, therefore can be supported from planning perspective.

No questions were brought forward from the board members.

Resolution: 22-037

BE IT RESOLVED THAT Consent Application B/13/22/FR submitted by Maurice Laforest be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Dave 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 Ontario Land Tribunal.

The applicants have two years 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 04, 2022, being over fourteen (14) days prior to this evenings meeting (B/14/22/SC –Scott McClean, Suzanne Lessard, Wendi Hollmer, and Roger Lessard). 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/14/22/SC – Scott McClean, Suzanne Lessard, Wendi Hollmer, and Roger Lessard

The lands are on the west side of Chevrefils Lane, south of King Street West and located within the Village of St.-Charles

The Sudbury East Planning Board has received an application to sever an existing semi-detached dwelling along the party wall on Chevrefils Lane. The proposed severed lot is to be approximately 0.09 hectares in lot area with a lot frontage of 21.33 metres and presently contains a one storey brick sided dwelling unit. The proposed retained lot is to be approximately 0.12 hectares in lot area with a lot frontage of 27.44 metres and presently contains a one storey brick sided dwelling unit and an accessory structure (detached garage).

Official Plan:

Section 2.2.3.1 states that the predominant use of land will be for a variety of residential dwelling types, including single detached dwellings, semi-detached dwellings, and duplex dwellings.

Section 2.1.4.5 provides policies regarding the provision of services within Village Policy Area. Development through infilling and the rounding out of the existing development pattern is intended to be connected to the existing partial municipal services available. Prior to approving new development applications, confirmation of adequate servicing allocations and treatment capacities shall be obtained.

The proposed application conforms to the above noted policies under the Official Plan. The subject property contains a semi-detached dwelling, and the lot is of sufficient size to accommodate the proposed split of the semi-detached dwelling. Also, the Agent has provided confirmation that each unit (A and B) has its own Municipally piped sanitary sewer systems, therefore capacity is not an issue. The Chief Building Official advise that each unit also has its own well (each well produces 30 gpm).

With respect to zoning;

The 'Residential One (R1)' Zone permits several low-density residential uses including single detached dwellings, semi and duplex dwelling. 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 the Village of Noelville, the minimum lot frontage required is 18.0 metres and the minimum lot area required is 0.15 hectares.

Both the proposed lot to be severed and proposed lot to be retained will meet the minimum lot frontage requirement but will not meet the minimum lot area requirement. An application for minor variance has been submitted concurrent with the consent application to address these deficiencies.

Also, additional relief is required for the rear yard setback for the existing accessory structure (detached garage). The variance is to recognize an existing rear yard setback of 1.02 metres where a minimum setback is 1.5 metres is required

Agency Comments:

Chief Administrator Officer/Clerk/ Treasurer: The property is subject to municipal drains and may require reappportionment. Please advise the applicants to contact the clerks to request Section 65 reappportionment as there are fees associated with this.

Chief Building Official: no concerns.

Public Works Superintendent:

Fire Department:

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, conforms with the Official Plan for the Sudbury East Planning Area and the Zoning By-law for the Municipality of St. Charles, therefore can be supported from planning perspective.

No questions were brought forward from the board members.

Resolution: 22-038

BE IT RESOLVED THAT Consent Application B/14/22/FR submitted by Scott McClean, Suzanne Lessard, Wendi Hollmer, and Roger Lessard be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Dave 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 Ontario Land Tribunal.

The applicants have two years to fulfill the conditions of this provisional consent or the approval will lapse.

9. BUSINESS ARISING FROM PREVIOUS MINUTES

The Chair, Carol Lemmon, proposed the Planning Member members discuss how the Sudbury East Planning Board should move forward with boards meetings.

All members agreed that a hybrid approach would best for the board at this time.

Resolution 22-039

BE IT RESOLVED THAT the Sudbury East Planning Board continue a hybrid (in person and virtually) meeting located at the Municipality of French River for the Planning Boards meetings every second Thursday of each month.

MOVED BY: Dave Viau

SECONDED BY: Rob Campbell

Carried

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

11. PAYMENT OF VOUCHERS

a) April 2022

Resolution 22-040

BE IT RESOLVED THAT the statement of disbursements for the month of April 2022 in the amount of \$ 13,002.24 to be distributed and is hereby approved for payment.

MOVED BY: Ned Whynott

SECONDED BY: Dave Viau

Carried

12. ADJOURNMENT

Resolution: 22-41

BE IT RESOLVED THAT the Meeting be adjourned at 7:04 P.M.

AND THAT the next regular meeting be held on June 09th, 2022 at 5:30 P.M. at the Municipality office in French River, Virtually or in person.


MOVED BY: Dave Viau

SECONDED BY: Rob Campbell

Carried.



CHAIR



SECRETARY-TREASURER

