

**SUDBURY EAST PLANNING BOARD
MINUTES
Thursday, June 09, 2022 at 5:30 p.m.
Municipality of French River
Virtual Meeting**

MEMBERS PRESENT VIRTUALLY: Dave Viau, Rob Campbell, Ned Whynott, Rachelle Pigeau

MEMBERS PRESENT: Carol Lemmon, Paul Branconnier

MEMBERS ABSENT: Renee Carrier, Jackie Lafleur, John Dimitrijevic, Renee Germain

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

PUBLIC PRESENT VIRTUALLY: None

1. MEETING CALLED TO ORDER

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

2. ADOPTION OF THE AGENDA

Resolution: 22-042

BE IT RESOLVED THAT the agenda for the Sudbury East Planning Board regular meeting of June 09th, 2022 be adopted as distributed.

MOVED BY: Paul Branconnier

SECONDED BY: Ned Whynott

Carried.

3. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

4. ADOPTION OF MINUTES

a) Sudbury East Planning Board – Regular meeting of May 19th, 2022 be adopted as distributed.

Resolution: 22-043

BE IT RESOLVED THAT the minutes of the Sudbury East Planning Board's regular meeting of May 19, 2022 be adopted as distributed.

MOVED BY: Rob Campbell

SECONDED BY: Dave Viau

Carried

5. PRESENTATION/DELEGATION

6. 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 25th, 2022, being over fourteen (14) days prior to this evenings meeting (B/15/22/FR – Daniel Hebert). 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/15/22/FR – Daniel Hebert

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 a private road and to permit a driveway entrance to benefit 1773 Highway 528. The proposed access easement is approximately 0.90 hectares in lot area with a lot frontage of 10.95 metres and is vacant.

OP:

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 Highway 528 which is a public road that is assumed and maintained year-round by the Ministry of Transportation. In 1998, Brochu Road was formerly a municipal road, and was closed by by-law and surveyed as Parts 1, 2, 3, and 4, 53R-16124, and offered for sale to Daniel Herbert. Today, Brochu Road serves as a Private Road and provides continued legal access to 1853 Highway 528. The owner of 1773 Highway 528 intends to access the private road where a single family house is to be constructed on the retained lands of consent application B/16/22/FR and to construct a new entrance.

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. In this case, the subject property is a 'legal existing lot of record', therefore it is deemed to be legal noncomplying where the 10.5 metres of road frontage is to comply with the RU Zone requirements in terms of lot frontage. The subject property has a lot area of 70.21 hectares.

Agency Comments:

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

Hydro One: there are no concerns with this easement.

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 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: 22-044

BE IT RESOLVED THAT Consent Application B/15/22/FR submitted by Daniel Hebert 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 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 25th, 2022, being over fourteen (14) days prior to this evenings meeting (B/16/22/FR – Carol and Adam Radu and Daniel Hebert). 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/16/22/FR – Carol and Adam Radu and Daniel Hebert

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 on 1773 Wolseley Bay Road in the Municipality of French River, and to rezone the proposed severed lot from 'Rural (RU)' to 'Residential Rural (RR)' and to add a regulation to recognize a lot area of 0.62 hectares where 0.8 hectares is required. The proposed retained lot will maintain the current 'Rural (RU)' zone, however a regulation is to be implemented to recognize 0 frontage on a public road (Brochu Road is a private road).

Application B/15/22/FR is to grant an access easement along the section of the private road.

OP: 4.5 of the Plan contains policies pertaining to Consents. Subsection 1, outlines criteria where consents are generally limited to:

In this case, proposed severed Lot 1 is to be rezoned from 'Rural (RU)' to 'Residential Rural (RR)' and to add a regulation to recognize a lot area of 0.62 hectares where 0.8 hectares is required. The proposed retained lot will maintain the current 'Rural (RU)' zone, however a regulation is to be implemented to recognize 0 frontage on a public road (Brochu Road is a private road). Adequate access for the proposed lots to be severed and retained parcel of land are to be accessed from Highway 528 which the Ministry of Transportation had no objections (November 4th, 2021) to the severance. Minimum Distance Separation (MDS) is not applicable in this instance, as there is no farming related activities in the area. With respect to servicing, the agent has provided previous comments obtained from the Sudbury and District Health Unit that are supportive (April 27th, 2022). Appropriate documentation with respect to availability of sewage hauling services and probability of potable water have been provided.

With respect to zoning;

Definition 5. Access onto an assumed road: shall mean direct means of vehicular passage onto a public right-of-way that is maintained on a year-round basis.

General Provision 6.16 Frontage on a Public Road or Street: b) no person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected fronts upon an open public street or has access by a legal right of way which is registered on title or is accessed by water only.

The zoning by-law amendment application is to recognize 0 frontage as per 6.16 and zone requirement for section 7.22.2 under the Rural Zone. Also, Section 6.16 states that the right of way/easement is required, therefore application B/15/22/FR is to be granted an access easement along the section of the private road.

The Residential Rural (RU) Zone requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres. The proposed severed lot area is 0.62 hectares; therefore, a regulation will be implemented to recognize the reduced lot area.

The Rural (RU) Zone requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100.0 metres. The proposed retained lot has 690.0 metres of lot frontage on Highway 528; however, the owner's intent is to access the retained lands via a right of way on a private road (Brochu Road). As a result, it is deemed as 0 frontage on an open public road, as per section 6.16 and zone requirement for section 7.22.2 under the Rural Zone. A regulation will be implemented to recognize the 0 frontage on a public road.

Agency Comments:

The Municipality of French River has no objection to the severance. Municipal drains are not applicable, road survey and transfer may be required for the proposed severed lot, and parkland dedication will be subject to the minimum contribution of \$1,000.00. Also, The Municipality of French River states that it would be appropriate for an entrance. Public works confirmed that a permit can be issued once the severance is final (January 27th, 2022).

The Municipality of French River has no objection to the severance. Municipal Drains, Parkland Dedication or any roads transfers is not applicable. The applicant is encouraged to contact the Chief Building Official in relation to open building permits.

The Ministry of Transportation has no objection to the severance – November 4th, 2021.

The Sudbury & District Health Unit concluded that the proposed severed and retained parcels are capable of development for installation of a septic tank and leaching bed system – April 27th, 2022.

Enbridge Gas: does have service lines running within the area which may or may not be affected by the propose severances.

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: 22-045

BE IT RESOLVED THAT Consent Application B/16/22/FR submitted by Carol and Adam Radu and Daniel Hebert be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Rob Campbell

SECONDED BY: Dave 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 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 25, 2022, being over fourteen (14) days prior to this evenings meeting (B/17-18/22/FR –David Mitchell). 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/17-18/22/FR – David Mitchell

The lands are adjacent to the Village of Noelville, east of St. David Street South and north of Houle Road. The subject property has road frontage on St. David Street South and Houle Road. The large parcel of land is surrounded by a mix of uses including commercial, residential, and rural. Further south of the subject property is Highway 528 and Highway 64 and to the north is Highway 535.

The Sudbury East Planning Board has received two applications for consent and two zoning by-law amendments.

B/17/22/FR - The application for consent proposes to sever approximately 1.2 hectares from the subject property and add such lands to the adjacent lot (192 St. David Street South). The proposed retained land is to have an approximate area of 30.02 hectares and a lot frontage of 100.0 metres on Houle Road (two separate locations with each having 100.0 metres on Houle Road) and a lot frontage of 20.0 metres on St. David Street South and is presently vacant. The enlarged is to be approximately 1.65 hectares in lot area with a lot frontage of 83.8 metres on St. David Street South.

ZBA 22-10FR - The zoning by-law amendment application is to ensure that once the lands are consolidated, the enlarged parcel of land is to be under one zone.

B/18/22/FR - The application for consent proposes to sever approximately 3.2 hectares from the subject property and add such lands to the adjacent lot (172 St. David Street South). The proposed retained land is to have an approximate area of 26.82 hectares and a lot frontage of 100.0 metres on Houle Road (two separate locations with each having 100.0 metres on Houle Road) and a lot frontage of 20.0 metres on St. David Street South and is presently vacant. The enlarged is to be approximately 4.8 hectares in lot area with a lot frontage of 40.0 metres on St. David Street South.

ZBA 22-11FR - The zoning by-law amendment application is to ensure that once the lands are consolidated, the enlarged parcel of land is to be under one zone.

OP: Section 4.5 of the Plan contains policies pertaining to Consents. Subsection 1, outlines criteria where consents are generally limited to:

- a) New lots that represent minor infilling;
- b) The mortgaging of land beyond 21 years;
- c) Lot boundary adjustments;

With respect to zoning;

The proposed lot to be retained is zoned Rural (RU) which requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100 metres. The proposed lot to be retained has an approximate lot area of 26.82 hectares and an approximate road frontage of 100.0 metres on Houle Road (two separate locations with each having 100.0 metres on Houle Road) and 20.0 metres (legal noncomplying) on St. David Street South. The proposed retained lot will continue to meet the requirements of the RU Zone.

(B17) - The proposed lot to be severed, currently zoned Rural (RU), is 1.20 hectares in area with no lot frontage and is to be added to the parcel to the immediate west (192 St. David Street South). The enlarged parcel of land will have an approximate lot area of 1.65 hectares and a road frontage of 83.80 metres and have split zoning (Rural and Commercial Community Zone). To prohibit split zoning, a zoning by-law amendment application is to ensure that the consolidated parcels of land remain under one zone which is Commercial Community (CC). The CC zone requires a minimum lot frontage of 15.0 metres and does not require a minimum lot area, therefore the enlarged lot will continue to meet the minimum requirements of the CC Zone.

(B18) - The proposed lot to be severed, currently zoned Rural (RU), is 3.20 hectares in area with no lot frontage and is to be added to the parcel to the immediate west (172 St. David Street South). The enlarged parcel of land will have an approximate lot area of 4.80 hectares and a road frontage of 40.00 metres and have split zoning (Rural and Commercial Community Zone). To prohibit split zoning, a zoning by-law amendment application is to ensure that the consolidated parcels of land remain under one zone which is Commercial Community (CC). The CC zone requires a minimum lot frontage of 15.0 metres and does not require a minimum lot area, therefore the enlarged lot will continue to meet the minimum requirements of the CC Zone.

Agency Comments:

Municipality of French River: has no objection to the 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, conforms with the Official Plan for the Sudbury East Planning Area and the Zoning By-law for the Municipality of Markstay-Warren, therefore can be supported from planning perspective.

No questions were brought forward from the board members.

Resolution: 22-046

BE IT RESOLVED THAT Consent Application B/17-18/22/FR submitted by David Mitchell be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Ned Whynott

SECONDED BY: Rachelle Pigeau

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.

7. BUSINESS ARISING FROM PREVIOUS MINUTES

8. NEW BUSINESS

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

10. PAYMENT OF VOUCHERS

a) May 2022

Resolution 22-047

BE IT RESOLVED THAT the statement of disbursements for the month of May 2022 in the amount of \$ 15,884.53 to be distributed and is hereby approved for payment.

MOVED BY: Rob Campbell

SECONDED BY: Rachelle Pigeau

Carried

12. ADJOURNMENT

Resolution: 22-48

BE IT RESOLVED THAT the Meeting be adjourned at 6:15 P.M.

AND THAT the next regular meeting be held on July 14th, 2022 at 5:30 P.M. at the Municipality office in French River, Virtually or in person.

MOVED BY: Ned Whynott

SECONDED BY: Dave Viau

Carried.



CHAIR



SECRETARY-TREASURER

