

**SUDBURY EAST PLANNING BOARD
MINUTES
Thursday, March 09, 2023 at 5:30 p.m.
Virtual Meeting/ Municipal Office of French River**

MEMEBERS PRESENT

VIRTUALLY: Dave Froats, Rachelle Poirier, Renee Germain

MEMBERS PRESENT: Dave Viau, Josh Lachance, Bob Prevost, Paul Branconnier, Mary Bradbury, Carol Lemmon

MEMBERS ABSENT: Thomas Leslie

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

PUBLIC PRESENT

VIRTUALLY: Bryan Dorland, Brigitte Pothier, Aaron Ariganello

1. MEETING CALLED TO ORDER

Mr. Dumont called the meeting to order at 5:30 p.m.

2. ADOPTION OF THE AGENDA

Resolution: 23-019

BE IT RESOLVED THAT the agenda for the Sudbury East Planning Board regular meeting of March 09, 2023 be adopted as distributed.

MOVED BY: Josh Lachance

SECONDED BY: Dave Viau

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 February 09, 2023 be adopted as distributed.

Resolution: 23-020

BE IT RESOLVED THAT the minutes of the Sudbury East Planning Board's regular meeting of February 09, 2023 be adopted as distributed.

MOVED BY: Paul Branconnier

SECONDED BY: Rachelle Poirier

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 February 22, 2023, being over fourteen (14) days prior to this evenings meeting (B/06-07/22/SC – 2249162 Ontario INC., B/8/22/SC- Moniques Proulx, Vincent Proulx and Paul Proulx, B/09/23/FR- Miguel Coulombe, B/010-13/23/FR – 1866551 Ontario Limited, B/14-15/23/SC – Brigitte and Thomas Pothier). 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/06-07/22/SC – 2249162 Ontario Inc.

The Director of Planning summarized the application.

The lands are located on the west side of Highway 535, north of Decosse Road and south of Coursol Road. The subject lands are in an area of residential and farming uses and is approximately 2.50 kilometers from the Village of St. Charles.

B06 - lot addition: Proposal is to sever 0.29 hectares in area and add such lands to 108 Decosse Road to resolve an encroachment issue. The existing detached garage is partially located on Roll No. 5204-000-002-178-00

B07 - creation of a Rural (RU) Lot: The purpose is to create one RU lot which contains a contractor's establishment to store and maintain Canadian Shields equipment. The proposed severed lot is to be 8.02 hectares in lot area with a lot frontage of 80.23 metres and contains the above noted shop. The proposed retained lot is to be 87.10 hectares in area with a lot frontage of 167.23 metres and contains an accessory building (detached garage) that was built in the 1980's.

History:

Related Files: B/26/19/SC – lapsed.

The purpose of the Application for Consent is to create one Rural lot which contains a contractor's establishment to store and maintain Canadian Shields own equipment. The company is a turnkey environmental engineering firm. The proposed lot is to be 8.0 hectares in lot area with a frontage of 100.0 metres and contains the above noted shop. The retained lot is 89.0 hectares in area with a frontage of 302.0 metres and contains an accessory building (detached garage) that was built in the 1980's.

With respect to the OP

The proposed lot to be severed (B07) is to be maintained as 'Rural (RU)' Zoning, however a minor variance application, as a condition of approval, is to be submitted to the Sudbury East Planning Board and approved to recognize a proposed lot frontage of 80.23 metres whereas 100 metres is required under the RU Zone. The proposed lot to be retained meets the requirements of the RU Zone. Adequate access is from Decosse Road which is publicly assumed and maintained year-round roads by the Municipality of St. Charles. Minimum Distance Separation (MDS) is not applicable in this instance, as there are no farming related activities on the proposed severed lot. With respect to servicing, the owner has obtained from the Sudbury and District Health Unit supportive comments for the installation of a septic tank and leaching bed system – December 23rd, 2022. Appropriate documentation with respect to availability of sewage hauling services and probability of potable water have been provided.

The Ministry of Energy, Northern Development and Mines (ENDM) states that there is one AMIS Site #04967 within proximity of the subject land. However, this site is classified as Class D. Class D sites are the sites where potential concerns regarding receiving environment, potential for onsite public health concerns and potential for serious injury or death to occur is not expected, therefore ENDM has no concerns with the proposal.

With respect to zoning

B07 - The 'Rural (RU)' Zone requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100.0 metres. The proposed severed lot is to be 8.02 hectares in lot area with a lot frontage of 80.23 metres. A minor variance application is required as a condition of approval for severance to recognize the proposed relief of 80.23 metres whereas 100 metres is required under the RU Zone. The proposed retained lot is to be 87.10 hectares in area with a lot frontage of 167.23 metres, therefore conforming to requirements of the RU Zone.

B06 - After the lot addition is effected (sever 0.29 hectares in area and add such lands to 108 Decosse Road to resolve an encroachment issue), the proposed lot to be enlarged will have an area of approximately 1.50 hectares (existing was 1.21 hectares) and a lot frontage of 125.0 metres. 108 Decosse Road is presently zoned RU. 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 area requirements of that zone, therefore no variance or amendments to the by-law are required to recognize the reduced lot area. 108 Decosse Road acreage is being improved from 1.21 hectares to 1.50 hectares - once the lands are added.

Agency Comments:

Clerk/Treasurer: property subject to municipal drains and may require reapportionment. Please advise applicants to contact the Clerks to request Section 65 reapportionment as there are fees associated to this process.

Chief Building Official: no issues.

Fire Department: no issues.

Public Works Superintendent: no issues.

Hydro One: no concerns from H1.

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 St. Charles, therefore can be supported from planning perspective.

Resolution: 23-021

BE IT RESOLVED THAT Consent Application B/06-07/22/SC submitted by 2249162 Ontario Inc. recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Dave Viau

SECONDED BY: Mary Bradbury

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

b) B/08/22/SC – Moniques Proulx, Vincent Proulx and Paul Proulx

The Director of Planning summarized the application.

The subject property is largely wooded, with a portion of the property fronting on Turcot Road in agricultural production.

The Sudbury East Planning Board has received an application to sever one (1) Rural lot from the subject lands. The proposed severed lot is to be approximately 6.67 hectares in lot area with a lot

frontage of approximately 125 metres along Beauparlant Road and is presently vacant; the proposed retained lands are to be approximately 45.97 hectares in lot area with a lot frontage of approximately 400 metres along Turcot Road and will no longer have a lot frontage along Beauparlant Road, and is presently vacant.

With respect to the OP:

In this case, proposed severed lot conforms to the requirements of the 'Rural (RU)' Zoning and the proposed retained lot will continue to conform to the requirements of the 'Rural (RU)' Zoning. Adequate access for the proposed lots to be severed and retained are to be accessed from Beauparlant Road and Turcot Road which are publicly assumed and maintained year-round roads by the Municipality of St. Charles. The Director of Operations for the Municipality of St. Charles stated that the proposed driveway would not pose an issue for a driveway access or line of sight issues. Once the property is created, the owner will need to apply for an entrance permit prior to any development. Minimum Distance Separation (MDS) is not applicable in this instance, as there are no farming related activities on the proposed severed lot. With respect to servicing, the owner has obtained from the Sudbury and District Health Unit supportive comments for the installation of a septic tank and leaching bed system – January 24th, 2023. Appropriate documentation with respect to availability of sewage hauling services and probability of potable water have been provided.

With respect to zoning:

The Rural (RU) zone requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100 metres. The proposed lot to be severed is 6.67 hectares in area with lot frontages of approximately 125 metres along Beauparlant Road. The proposed lot to be retained will have a lot area of 45.97 hectares and a lot frontage of 400 metres along Turcot Road. Both the proposed lot to be severed and the lot to be retained meet the minimum requirements of the Rural Zone.

Agency Comments:

Clerk/Treasurer: property subject to municipal drains and may require reapportionment. Please advise applicants to contact the Clerks to request Section 65 reapportionment as there are fees associated to this process.

Chief Building Official: no issues.

Fire Department: no issues.

Public Works Superintendent: no issues.

Bell Canada: no concerns.

Hydro One: no concerns

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.

Resolution: 23-022

BE IT RESOLVED THAT Consent Application B/08/22/SC submitted by Moniques Proulx, Vincent Proulx and Paul Proulx be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Paul Branconnier

SECONDED BY: Josh Lachance

Carried

c) B/09/23/FR – Miguel Coulombe

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 Highway 64 in the Municipality of French River, and to rezone a portion of the lot (proposed severed lot) from 'Rural (RU)' to 'Residential Rural (RR)' to recognize the intended use of the lot, reduced lot frontage, and avoid split zoning.

With respect to the OP:

In this case, 6160 & 6168 Highway 64 inadvertently merged on title due to ownership, therefore the intent of the severance application is to legally re-establish both properties (6160 & 6168 Highway 64). 6160 Highway 64 is presently zoned Residential Rural (RR) having an existing lot area of 0.71 hectares and lot frontage of 48.68 metres; therefore, the site is legal non-complying. 6168 Highway 64 is presently zoned Rural (RU). With that said, the owner intends to create a larger lot which is to be 2.73 hectares in lot area whereas the legal non-complying lot was 0.71 hectares in lot area while maintaining 48.68 metres of lot frontage. The back half of the lands are presently zoned RU creating spilt zoning which is prohibited. As a result, a portion of lands are to be rezoned to RR to be consistent with the front half of the site in terms of zoning. Adequate access for the proposed lots to be severed and retained parcel of land are to be accessed from Highway 64 which is maintained year-round by the Ministry of Transportation (MTO). MTO provided comments which stated that they had no objection to the proposed severance (January 31, 2023). Minimum Distance Separation (MDS) is not applicable in this instance, as there are no farming related activities in the area. With respect to Sudbury District Health Unit (site suitability for a septic system), the health unit provided supportive comments on December 13th, 2022. Both the severed lots and the retained lot are capable of development of installation of a septic tank and leaching bed system. Appropriate documentation with respect to availability of sewage hauling services and probability of potable water have been provided. Aggregate resources site was identified as a constraint, however would not require supportive studies because the Ministry of Natural Resources and Forestry provided a letter stating that the owner has no longer any obligations for this property under the Aggregate Resource Act.

With respect to zoning.

Proposed Zoning: 6160 Highway 64 – Residential Rural (RR) Zone
 6168 Highway 64 – portion of land to be rezoned to Residential Rural (RR)
 Special Provision 102 (SP102)

The Rural (RU) Zone requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100.0 metres. The proposed to be retained will continue to conform to the above noted requirements.

The minimum lot area and the minimum lot frontage requirements in the 'Residential Rural (RR)' Zone is 0.8 hectares and 60.0 metres respectively; the proposed newly created lot is to comply with the 0.8 hectares (proposed lot area of 2.73 hectares) lot area requirement, however, the minimum lot frontage of 60.0 metres will no longer conform (proposed lot frontage is to be 48.68 metres), therefore the by-law will also recognize the reduced lot frontage.

Agency Comments:

Ministry of Transportation: supportive of the application in principle. No changes to lot frontage occurring and residential entrance permits should be acquired for both 6168 highway 64 and 6160 to legally register them – no cost to the owner.

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.

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.

Member Viau asked if the pit was closed. Director of Planning reassured him it was.

Member Lachance had questions regarding zoning and undersized lots.

There were no further comments or questions from the board.

Resolution: 23-023

BE IT RESOLVED THAT Consent Application B/09/23/FR submitted by Miguel Coulombe be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Carol Lemmon
SECONDED BY: Dave Froats

Carried

d) B/10-13/23/FR – 1866551 Ontario Limited

The Director of Planning summarized the application.

The Sudbury East Planning Board has received applications for consents which proposes to create Four residential rural lots from the subject lands on Golf Course Road in the Municipality of French River. Each of the proposed Four lots will have lot areas ranging from 0.87 hectares to 1.22 hectares and lot frontages ranging from 64.94 metres to 91.0 metres; the proposed retained lot will have a lot area of 0.98 hectares and a lot frontage of approximately 73.37 metres and is presently vacant. Lot 1 presently contains an existing camp site.

History:

File ZBA 06-04FR was approved by the Council for the Municipality of French River. The intent of the zoning by-law amendment application was to rezone Parts 1, 2, 3, 4 and 5 from Rural (RU) and Residential Rural (RR) Zone to Residential Rural (RR) with a Special Provision to permit a single detached dwelling unit and an aircraft hangar accessory building (maximum height of 11.0 metres) on each Part as noted above. The owner, at the time, did not submit a severance application for the above noted Parts which was supposed to offer a unique opportunity to not only reside on the proposed lots, but to permit them to construct an accessory aircraft hangar in order to facilitate their use of the abutting airport property to the north and west. An 'airpark' or a 'fly-in residential community' is an airport that has houses with attached or nearby hangers, which allows people to keep their plans at homes.

With respect to the OP:

In this case, the proposed lots to be severed (Lot 1 through Lot 5) and the proposed lot to be retained conform to the requirements of the 'Residential Rural Special Provision 40 Zoning. Adequate access for the proposed lots to be severed and retained parcel of land are to be accessed from Golf Course road, which is a public road, maintained year-round by the Municipality of French River. Also, the Ministry of Transportation (MTO) provided comments because the subject property is within MTO's permit control area and is reviewed under the Public Transportation and Highway Improvement Act. MTO supported the severances in principles and provided comments which form part of the agency circulation section of the report. Minimum Distance Separation (MDS) is not applicable in this instance, as there are no farming related activities in the area. With respect to servicing, the agent did not obtain comments from the Sudbury District Health Unit, therefore as a condition of consent in principle, supportability is required from the Health Unit. Appropriate documentation with respect to availability of sewage hauling services and probability of potable water was not obtained, therefore both letters will be a requirement and form as conditions of approval for severance.

With respect to section 3.5, Natural Heritage, it is the goal of the Planning area to protect significant and sensitive features and functions. Tulloch Environmental compiled an assessment of habitat suitability to support pond turtle species including Blanding's Turtle (provincially threatened), Snapping Turtle (special Concern) and Midland Painted Turtle (not at risk). The outcome from the report indicated that no pond turtle habitat exists on the Site and that property severance and future residential development can occur without impacts to the pond turtle species.

With respect to zoning:

By law 2006-10 was approved by the Municipality of French River. The intent of the zoning by-law amendment application in 2006 was to rezone Parts 1, 2, 3, 4 and 5 from Rural (RU) and Residential

Rural (RR) Zone to Residential Rural (RR) with a Special Provision to permit a single detached dwelling unit and an aircraft hangar accessory building (maximum height of 11.0 metres) on each Part as noted above

40. Notwithstanding any provisions to the contrary of Sections 7.5.1 and 7.5.2 of By-law 2003-23, within the lands zoned Residential Rural (RR), described as Part of Lot 5, Concession 6, in the Township of Bigwood, now in the Municipality of French River, Territorial District of Sudbury, being Parts 1, 2, 3, 4, & 5, Part of Rem. of Parcel 3917 Sudbury East Section, the following special provisions shall apply to each Part noted to above and as shown on Schedules "A-1" and "A-2":

(i) Permitted Uses:

- **an aircraft hangar accessory building.**

(ii) Regulations:

- **the maximum building height for an aircraft hangar accessory building shall be 11.0 metres.**

The above noted approved by-law from 2006 is to be maintained. No changes to the land use are being proposed.

Agency Comments:

Bell Canada: no concerns regarding this application.

Hydro One: No concerns.

Ministry of Transportation:

- Retained lot – proposed lot and entrance are outside MTO permit control area – No MTO concerns. Must be accessed from Golf Course Road.
- Severed lot 1 – proposed lot and entrance are outside MTO permit control area – No MTO concerns. Must be accessed from Golf Course Road.
- Severed Lot 2 – Placement of any building/structures within 185 metres of the center point of the intersections of Highway 607 and Gold Course Road/Heritage River Road will require an MTO building/land use permit. Must be accessed from Golf Course Road.
- Severed Lot 3 – Placement of any building/structures within 185 metres of the center point of the intersections of Highway 607 and Gold Course Road/Heritage River Road will require an MTO building/land use permit. Must be accessed from Golf Course Road.
- Severed Lot 4 – Placement of any building/structures within 45 metres of the Highway 607 right-of-way or 185 metres of the center point of the intersections of Highway 607 and Gold Course Road/Heritage River Road will require an MTO building/land use permit. Must be accessed from Golf Course Road. Entrance must be place a minimum of 45 metres from the intersection of Highway 607 and Gold Course Road/Heritage River Road.

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.

The Agent for the Application gave a short summary of the application and offered to answer any questions the board may have. No further questions were asked regarding the application.

Resolution: 23-024

BE IT RESOLVED THAT Consent Application B/10-13/23/FR submitted by 1866551 Ontario Limited be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Mary Bradbury

SECONDED BY: Paul Branconnier

Carried

e) B/14-15/23/SC – Brigitte and Thomas Pothier

The Director of Planning summarized the application.

The purpose of the Application for Consent is to create two Rural lots on Pothier Road. Proposed Lot 1 is to be 5.0 hectares in lot area with a lot frontage of 124 metres and contains a single-family home. Aerial imagery also depicts a structure (approximate dimensions of 9.5 m by 13.5 m) which is not assessed by MPAC Comprehensive report. Proposed Lot 2 is to be 5.0 hectares in lot area with a lot frontage of 124 metres and is presently vacant. The proposed retained lot is to be 55.4 hectares in lot area with a lot frontage of 157 metres and is presently vacant.

With respect to the OP

In this case, proposed severed and retained lots meet the requirements of the 'Rural (RU)' Zoning. Adequate access for the proposed lots to be severed and retained parcel of land are to be accessed from Pothier Road which is maintained year-round by the Municipality of St. Charles. The Director of Operations issued a letter stating no issues with approving a driveway access permit for both the proposed severed lots. Minimum Distance Separation (MDS) is not applicable in this instance, as there are no farming related activities on the site or in the area. With respect to Sudbury District Health Unit (site suitability for a septic system), comments were received on December 8th, 2023, stating that it appears that the proposed severed and retained lots are capable of development for installation of a septic tank and leaching bed system. Appropriate documentation with respect to availability of sewage hauling services and probability of potable water have been provided and are supported. No development constraints have been identified that would require support studies and municipal staff have expressed no concern with respect to access or other municipal considerations.

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 lots to be retained and severed will continue to meet those requirements.

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

Agency Comments:

Clerk/ Treasurer for the Municipality of St. Charles: The property is subject to municipal drains and may require reapportionment. Please advise the applicants to contact the clerks to request Section 65 reapportionment as there are fees associated with this.

Chief Building Official: no issues.

Public Works Superintendent: Any driveway application for Lot 2 will be subject to specific placement requirements due to hill on road.

Parks and Recreation Department: no concerns.

Fire Department: no concerns.

Bell Canada: No concerns regarding this application.

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 St. Charles, therefore can be supported from planning perspective.

Resolution: 23-025

BE IT RESOLVED THAT Consent Application B/14-15/23/SC submitted by Brigitte and Thomas Pothier be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Dave Viau

SECONDED BY: Josh Lachance

Carried**7. BUSINESS ARISING FROM PREVIOUS MINUTES**

- No new business

8. NEW BUSINESS

a) **Special Business Case Funding – Unorganized Townships, COOP Project**

Resolution 23-026

BE IT RESOLVED THAT The Sudbury East Planning Board hereby approves the allocation of the funding received by the Ministry of Municipal Affairs and Housing for the Central Ontario Ortho-Photography Project as it pertains to the Unorganized Townships of the Sudbury East Planning Board area in the amount of \$2040.04 and to return \$1395.96 to the Ministry of Municipal Affairs

and Housing as per the report written by the Director of Planning.

MOVED BY: Dave Froats
SECONDED BY: Rachelle Poirier

Carried

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

10. PAYMENT OF VOUCHERS

a) January 2023

Resolution 23-027

BE IT RESOLVED THAT the statement of disbursements for the month January 2023 in the amount of \$22,945.18 to be distributed and is hereby approved for payment.

MOVED BY: Mary Bradbury
SECONDED BY: Dave Viau

Carried

12. ADJOURNMENT

Resolution: 23-028

BE IT RESOLVED THAT the Meeting be adjourned at 6:47 P.M.

AND THAT the next regular meeting be held on April 13th, 2023 at 5:30 P.M. at the Municipality of French River Municipal Office Virtually and in person.

MOVED BY: Carol Lemmon
SECONDED BY: Paul Branconnier

Carried.

CHAIR

SECRETARY-TREASURER