

**SUDBURY EAST PLANNING BOARD
MINUTES
Thursday, September 08, 2022 at 5:30 p.m.
Municipality of French River
Virtual Meeting**

MEMBERS PRESENT VIRTUALLY: Dave Viau, Rob Campbell, Renee Carriere, Ned Whynott, Jackie Lafleur,
Paul Branconnier

MEMBERS PRESENT:

MEMBERS ABSENT: John Dimitrijevic, Renee Germain, Rachelle Pigeau, Carol Lemmon

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

PUBLIC PRESENT VIRTUALLY:

1. MEETING CALLED TO ORDER

The Chair called the meeting to order at 5:47 p.m.

2. ADOPTION OF THE AGENDA

Resolution: 22-053

BE IT RESOLVED THAT the agenda for the Sudbury East Planning Board regular meeting of September 08th, 2022 be adopted as distributed.

MOVED BY: Dave Viau

SECONDED BY: Jackie Lafleur

Carried.

3. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

4. ADOPTION OF MINUTES

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

Resolution: 22-054

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

MOVED BY: Rob Campbell

SECONDED BY: Paul Branconnier

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 August 22nd, 2022, being over fourteen (14) days prior to this evenings meeting (B/21-22/22/FR – Pierre and Nicole Dupuis). 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/21-22/22/FR – Pierre and Nicole Dupuis

The Director of Planning summarized the application.

The lands are located on the south side of highway 64, west of Bouchard Road. The subject lands have frontage on the French River and are surrounded by rural and waterfront uses.

The application is identical to applications B/11/10/FR and B/25/14/FR with respect to the creation of the WR lot which was approved by the Planning Board in July 2010 and October 2014 but lapsed on both occasions prior to receiving final consent. The associated Zoning By-law amendment was approved by Council for the Municipality of French River on July 21, 2010.

The purpose of the Application for Consent is to sever one (1) Waterfront Residential (WR) lot from the subject lands and to establish an access easement for the proposed severed WR lot. The proposed severed lot is to be approximately 5.3 hectares in lot area with a lot frontage of approximately 60.0 metres and is currently vacant. The proposed retained lands are to be approximately 8.2 hectares in lot area with a lot frontage of approximately 92.4 metres and contains a single detached dwelling. The proposed access easement is approximately 0.884 hectares in lot area with a lot frontage of 10 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 64 which is a public road that is assumed and maintained year-round by the Ministry of Transportation (MTO). On July 13th, 2022, MTO amended their comments from June 15th, 2022, and is now willing to grant a variance from their current policies and allow a shared entrance. MTO does want to note that no severance shall be created on either lot, as MTO does not support back lot development.

With respect to zoning.

The Waterfront Residential (WR) Zone requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres. Both the proposed lot to be severed and proposed lot to be retained will continue to meet the requirements of the Waterfront Residential Zone.

The subject lands were re-zoned to Waterfront Residential (WR) through application ZBA 10-04FR. Council for the Municipality of French River passed by-law 2010-33 on July 21, 2010, were re-zoned the subject lands. The re-zoning was a condition of lapsed consent application B/11/10/FR.

Agency Comments:

Ministry of Transportation: On July 13th, 2022, MTO amended their comments from June 15th, 2022, and is now willing to grant a variance from their current policies and allow a shared entrance. MTO does want to note that no severance shall be created on either lot, as MTO does not support back lot development. Several conditions were acknowledged as a condition of approval; mutual entrances application is to be applied by the owner, draft reference plan to be submitted to MTO for review and approval, draft deeds of both lots be submitted to MTO for review and approval and obtained an entrance permit.

The Municipal Clerk for the Municipality of French River advises that the subject lands are subject to conditions to municipal drains and parkland dedication.

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

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

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.

There were no question from the board members.

Resolution: 22-055

BE IT RESOLVED THAT Consent Application B/21-22/22/FR submitted by Pierre and Nicole Dupuis be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Rob Campbell

SECONDED BY: Jackie Lafleur

Carried

The Chair advised that there is a 20 day appeal period during which time any person or public body may appeal the decision or any condition imposed by the Planning Board by filing an appeal with the Secretary-Treasurer as prescribed by the Ontario Land Tribunal.

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

b) B/23/22/FR – Robert Carriere

The Director of Planning summarized the application.

The Sudbury East Planning Board has received an application for a lot addition. The severance application proposes to sever approximately 0.10 hectares from 230 Highway 607 and add such lands to the adjacent lands known municipally as 216 Highway 607 to resolve an encroachment issue. Presently, a portion of an existing detached garage was constructed on the subject property (230 Highway 607).

OP:

Section 4.5.1 of the Plan contains policies pertaining to Consents. Subsection 1, outlines criteria that shall be considered when creating new buildings lots:

lot boundary adjustments;

The lot addition is to resolve an encroachment issue, that being a detached garage that was constructed partially on the subject property (230 Hwy 607). The proposed severed 0.10 hectares of land will allow enough area to ensure the setbacks under the Residential Rural (RR) conform to the zone requirements for an accessory structure and that the structure is entirely located on 216 Hwy 607.

With respect to zoning.

The 'Residential Rural (RR)' permits a single-family home, a bed and breakfast, a home industry, a home occupation, 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 meters. The proposed lot to be retained and the enlarged lot will continue to meet the zone requirements for both lot frontage and lot area under the RR zone, therefore no variances are

required to recognize the reduced lot area and lot frontage.

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

Agency Comments:

Municipality of French River: Please note that through circulation, that there were no 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.

There were no question from the board members.

Resolution: 22-056

BE IT RESOLVED THAT Consent Application B/23/22/FR submitted by Robert Carriere 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.

c) B/24/22/FR – Roch and Bobbi-Jo Beaulieu

The Director of Planning summarized the application.

The Sudbury East Planning Board has received an application for a lot addition. The severance application proposes to sever approximately 0.43 hectares from 216 Highway 607 and add such lands to the adjacent lands known municipally as 230 Highway 607 to resolve the location of an existing driveway which is presently located on 216 Highway 607 and provides continued access to 230 HWY 607.

OP:

Section 4.5.1 of the Plan contains policies pertaining to Consents. Subsection 1, outlines criteria that shall be considered when creating new buildings lots:

lot boundary adjustments.

The lot addition is to resolve the location of an existing driveway which is presently located on 216 Highway 607 and provides continued access to 230 HWY 607. The proposed severed lot frontage of 22.9 metres is where the existing driveway is presently located, therefore, once the lot addition is completed, the owners of 230 HWY 607 will no longer be trespassing over the lands located on 216 HWY 607.

With respect to zoning.

The 'Residential Rural (RR)' permits a single-family home, a bed and breakfast, a home industry, a home occupation, 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 meters. The proposed lot to be retained and the enlarged lot will continue to meet the zone requirements for both lot frontage and lot area under the RR zone, therefore no variances are required to recognize the reduced lot area and lot frontage.

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

Agency Comments:

Municipality of French River: Please note that through circulation, that there were no 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.

There were no question from the board members.

Resolution: 22-057

BE IT RESOLVED THAT Consent Application B/24/22/FR submitted by Roch and Bobbbi-Jo Beaulieu be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Renee Carrier
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 two years to fulfill the conditions of this provisional consent or the approval will lapse.

d) B/25/22/FR – Daniel and Marie Paul Dupuis

The Director of Planning summarized the application.

The lands are located on the northwest of the Village of Noelville, west of Highway 535 and north of Lafreniere Road. The subject lands are in an area of predominantly rural uses except for a few residential rural lots.

The Sudbury East Planning Board has received an application to create one rural lot on Highway 535. The proposed severed lot is to be approximately 25 hectares in lot area with a lot frontage of 620.0 metres and is presently vacant. The proposed retained lot is to be approximately 30 hectares in lot area with a lot frontage of 875.0 metres on Highway 535 and contains a single-family home, shed, detached garage, and carport.

OP:

4.5.1 Consent Policies

Creation of rural residential lots will be evaluated using a number of criteria including:

- The size and dimensions of the severed and retained parcels are adequate to accommodate the proposal
- Adequate access can be provided from a year-round publicly maintained road;
- Access will not create a traffic hazard;
- The severed and retained parcels comply with MDS;
- Adequate sewage and water servicing can or will be provided;
- It is feasible with regard to the other provisions of the Plan, provincial legislation, policies and appropriate
- guidelines and support studies for uses within or adjacent to any development constraint; and
- The request, if granted, would not pose an undue financial burden on the applicable municipality.

In this case, proposed severed 'Lot 2' and retained parcel 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 Highway 528 which is maintained year-round by the Ministry of Transportation (MTO). MTO initially (May 25th, 2022) did not support the severance because there is currently an entrance located on the lot that does not meet MTO's requirements and is not registered with the MTO. The original entrance must be closed and moved 60 m to the North or the existing entrance. MTO will not be in support of the severance until this condition has been met. Subsequently, on June 23rd, 2022, the entrance permit for the Dan Dupuis was supported. 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), comments were received 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 proposed 'lot 2' exceeds the minimum requirements for lot frontage and lot area under the RU Zone and are intended to be used for residential uses. Also, the proposed retained lands will conform to the minimum requirements of the RU Zone.

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

Agency Comments:

The Municipality of French River has no objection to the severance. Municipal drains, road transfers and parkland dedication are not applicable.

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

The Ministry of Transportation: May 25th, 2022 - has reviewed the proposed severance located at 987 Highway 535 on Lot 1 and **Lot 2**. The subject lands (Lot 2) are located within the MTO's permit control area and are subject for review under *the Public Transportation and Highway Improvement Act R.S.O 1990* and will require proper permits from the MTO. I can provide the following information in regard to the pre-consultation request. MTO will also issue comments when the consent application is circulated through the Sudbury East Planning Board.

An entrance permit is required from the Ministry. There is currently an entrance located on the lot that does not meet MTO's requirements and is not registered with the MTO. The original entrance must be closed and moved 60 m to the North or the existing entrance. MTO will not be in support of the severance until this condition has been met. An entrance application can be made online at: <https://www.hcms.mto.gov.on.ca/>

June 23rd, 2022 - Here's the permit for the Dan Dupuis entrance for their severance along Highway 535 – Corridor Management Officer (Michelle Lavallee).`

Hydro One has no concerns with respect to the proposed application.

Bell Canada: has no comments or concerns regarding this application.

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.

There were no question from the board members.

Resolution: 22-058

BE IT RESOLVED THAT Consent Application B/25/22/FR submitted by Daniel and Marie Paul Dupuis be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Renee Carrier

SECONDED BY: Rob Campbell

Carried

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) **June 2022 and July 2022**

Resolution 22-059

BE IT RESOLVED THAT the statement of disbursements for the month of June 2022 in the amount of \$ 16,331.08 and July 2022 in the amount of \$23,637.88 to be distributed and is hereby approved for payment.

MOVED BY: Dave Viau

SECONDED BY: Rob Cambell

Carried

11. **CLOSED SESSION**

Resolution 22-060

BE IT RESOLVED THAT that the Sudbury East Planning Board proceed to a closed session as per sections 239(2)(b) of the municipal Act for the purpose of discussing personal matters about an identifiable individual, including municipal or local board employees.

MOVED BY: Jackie Lafleur
SECONDED BY: Rob Cambell

Carried

Resolution 22-065

BE IT RESOLVED THAT the Sudbury East Planning Board return to a public forum.

MOVED BY: Jackie Lafleur
SECONDED BY: Renee Carrier

Carried

12. ADJOURNMENT


Resolution: 22-066

BE IT RESOLVED THAT the Meeting be adjourned at 7:01 P.M.


AND THAT the next regular meeting be held on October 13th, 2022 at 5:30 P.M. at the Municipality office in French River, Virtually or in person.

MOVED BY: Jackie Lafleur
SECONDED BY: Dave Viau

Carried.



CHAIR



SECRETARY-TREASURER