

**SUDBURY EAST PLANNING BOARD
MINUTES
Thursday, April 13, 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: Madison Keegan, Kevin Seeley, Sarah Vereault, Tiffany Cecchetto, Cindy Peet, Cindy Noble

1. MEETING CALLED TO ORDER

Chairperson Prevost called the meeting to order at 5:30 p.m.

2. ADOPTION OF THE AGENDA

Resolution: 23-029

BE IT RESOLVED THAT the agenda for the Sudbury East Planning Board regular meeting of April 13, 2023 be adopted as distributed.

MOVED BY: Dave Viau

SECONDED BY: Carol Lemmon

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 March 09, 2023 be adopted as distributed.

Resolution: 23-030

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

MOVED BY: Rachelle Poirier
SECONDED BY: Josh Lachance

Carried

5. PRESENTATION/DELEGATION

a) J.L. Richards & Associates Limited-FINAL DRAFT NEW Official Plan

Sarah Vereault, Senior Planner, at J.L. Richards & Associates provided members of the board and the public with a slide show regarding the Sudbury East Planning Board New Official Plan Update. Included in the update was a Memo with an over view of the on going process in completing the New Official Plan, along with comments received from the public during the process. (Please see attached for slide show and Memo)

Member Lemmon asked what locally appropriate and estate lot policies meant. The Director of Planning explained the details.

Resolution: 23-031

BE IT RESOLVED THAT By-Law 23-01, being a By-law to adopt the Sudbury East Planning Area Official Plan be read a first and second time this 13th day of April 2023.

MOVED BY: Dave Viau
SECONDED BY: Carol Lemmon
Carried.

Resolution: 23-032

BE IT RESOLVED THAT By-Law 23-01, being a By-law to adopt the Sudbury East Planning Area Official Plan be read a third and final time this 13th day of April 2023.

MOVED BY: Paul Branconnier
SECONDED BY: Rachelle Poirier
Carried.

b) 2022 KPMG – Audit

Tiffany Cecchetto, KPMG, presented the draft 2022 Financial Statement to the Board. Ms. Cecchetto discussed the Balance Sheet and Income Statements, explaining each of the accounts. (See Attached).

Member Branconnier asked Ms. Cecchetto if she thought the reserve was too large. She stated that the reserve was moderate due to cost increases that board endures. The Director of Planning also includes that the reserve is also in place for a New upcoming website and in the event of needing Lawyers opinions.

Member Lachance questioned if the board could allocate some funds to a separate account in which to generate more interest. Ms. Cecchetto stated that would be an option if the board requested to do so as long as the funds were accessible.

Member Lachance questioned the term “onwards” in the Commitments. Ms. Cecchetto explained it was the last 2 years of the agreement combined.

There were no further comments or questions from the Board.

Resolution: 23-033

BE IT RESOLVED THAT the 2022 Audited Financial Statements submitted by the accounting firm of KPMG be accepted.

MOVED BY: Josh Lachance

SECONDED BY: Carol Lemmon

Carried

6. NEW BUSINESS

a) 2023 DRAFT Budget

The Director of Planning discussed the 2023 Draft Budget provided to the board members on March 20th, 2023 via email and April 05th, 2023 in the Agenda Package.

There were no further questions or comments from the Board.

Resolution 23-034

BE IT RESOLVED THAT the 2023 draft budget recommended by the Director of Planning, dated April 13, 2023 be adopted as the Sudbury East Planning Board’s official budget for the fiscal year 2023.

MOVED BY: Dave Viau

SECONDED BY: Dave Froats

Carried

7. CONSENT APPLICATIONS

The chair advised that a Public Hearing will be held before the Planning Board makes a decision on a Consent Application. Also that the analysis and discussion serves two purposes: first, to present to the Planning Board and the public the details and background to a proposed Consent Application; and second, to receive comments from the public and agencies before a Planning Board decision is

made.

The Director of Planning Advised that Notice of the Public Hearing was posted in the Planning Board office and sent by First Class Mail to assessed owners within 60.0 metres of the property subject to the Consent Applications and to those persons and agencies likely to have an interest in the applications. The Notice was sent on March 27, 2023, being over fourteen (14) days prior to this evenings meeting (B/16-20/23/FR – Kevin Seely, B/21/23/FR- Harold Faubert and Mary Walford, B/22-23/23/MW- Megan Bradley and George Haddow, B/24-25/23/MW – Cindy Peet and Tony Peet, B/26/23/KL –Wesley Tyson). 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/16-20/23/FR – Kevin Seeley

The Director of Planning summarized the application.

The Sudbury East Planning Board has received an application for consent which proposes to create three (3) waterfront residential lots in the township of Bigwood. Each of the proposed lots will have approximate areas of 0.70-0.81 hectares, and road frontages ranging from 47.92 to 59.08 metres. Four of the proposed lots are to have two (2) shared accesses from Highway 64 which is maintained by the Ministry of Transportation. The zoning amendment application is to rezone the lands to recognize the proposed reduced road frontage as well as the proposed lot area for Lot 1.

With respect to the OP

In this case, proposed severed Lot 1 through Lot 3 and proposed retained lot are to maintain the current waterfront residential zone, however a special provision is to be implemented to regulate the proposed reduced road frontages and the proposed reduced lot area for 'Lot 1'. Adequate access for the proposed lots to be severed and retained parcel of land are to be accessed from Highway 64 which the Ministry of Transportation (MTO) had no objections to the proposal, however MTO required Four of the proposed lots are to have two shared accesses from Highway 64. 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 not obtained approvals from the Sudbury and District Health Unit, therefore as a condition of approval for severance, approvals are to be submitted to the Sudbury east Planning Board.. Appropriate documentation with respect to availability of sewage hauling services and probability of potable water have been provided.

3.7.2 Potentially Contaminated Sites

1. The historic use of land in the Planning Area has resulted in the potential for some land to be contaminated because of previous activities, often known as Brownfields. While not all brownfields are contaminated, these sites, where contamination exists, represent a potential hazard to human health, ecological health and the natural environment. To the contrary, they also represent opportunities for potential redevelopment and reintegration into the local community, if they are properly remediated to suit a new use of the site.
2. The following will be the policy of the Planning Board and local municipality:

- b) For land with a historic use which may have resulted in site contamination or land adjacent to known or suspected contaminated sites, Environmental Site Assessments (ESAs) will be prepared in accordance with the Environmental Procedures for Potentially Contaminated Sites policies of Section 3.7.2.1 of this Plan, as part of the development approvals process to

determine whether contamination exists, its extent where it does exist, and to determine remediation requirements.

On May 3rd, 2022, PINCHIN conducted a Phase 1 Environmental Site Assessment (ESA) because it was reported that a Retail fuel outlet was present on the north portion of the Site in approximately the early 1960's. In 2005 it was recommended by Terraprobe the removal of the abandoned underground storage tank (UST), pump island, and any associated piping and in 2006, the excavation process discovered a second 20,400 liters UST which was immediately east of the existing UST 12,400 liters located on the northwest portion of the site. The Phase 1 ESA conducted by PINCHIN on May 3rd, 2022, stated that nothing was identified that is likely to result in a potential subsurface impact at the Site. As such, no subsurface investigation work (Phase II ESA) is recommended at this time.

With respect to zoning

Current Zoning: **Waterfront Residential (WR)**

Proposed Zoning: **Waterfront Residential (WR) with Special Provision 102 (SP102)**

The 'Waterfront Residential (WR)' Zone requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres.

Agency Comments:

The Municipality of French River has no objection to the severances. The consent applications are subject Parkland Dedication.

The Ministry of Transportation (MTO): MTO supports the application in principle with the following comments as conditions of consent:

- The subject lands labelled "Lot 1" and "Lot 2" on the attached circulation must be accessed via a mutual shared entrance located on the boundary between the two lots.
- The subject lands labelled "Lot 3" and "proposed lot to be retained" on the attached circulation must be accessed via a mutual shared entrance located on the boundary between the two lots.
- Placement of any building or structures within 45 meters of the MTO right-of-way or 180 meters of the center point of the intersection of Shawn Street and Hwy 64 will require an MTO building/land use permit.
- Along the frontage of the proposed severed "Lot 1" and "Lot 2" there is an existing pavement island (see attached image). This island is located on the MTO right-of-way and will not be removed at this time. The MTO requests that the entrance on the north/east side of this island/turnaround is closed and removed and the entrance on the south/west side remains as access for severed lots 1 & 2.

Mutual Access:

- When common access arrangements are required, a surveyed right-of-way must be established and an easement granted by each lot in favor of the other lot sharing the entrance. This ensures continuous access to both lots served by the mutual entrance. The easements must be shown on the reference plan and the easement rights incorporated into the deeds of both lots involved. The width of the easement for the mutual entrance must be 10m in width (residential) at a minimum of 10 meters in depth and the block is to be located/centered on the shared property line. The MTO residential entrance standard is a 5-meter-wide entrance, but the additional easement block width allows for other entrance features such as snow removal and drainage.
- a. MTO will require that the draft reference plan be submitted to MTO for review and approval prior to registration
- b. MTO will require that the draft deeds of all lots be submitted to MTO for review prior to registration to ensure the legal mutual access rights have been incorporated into the deeds of all involved properties.
- c. The applicant will be required to obtain an entrance permit, which can be done online at: <https://www.hcms.mto.gov.on.ca/>.
- All permits can be obtained online at: <https://www.hcms.mto.gov.on.ca/>.
- Any questions regarding setback requirements, please contact Michelle Lavallee, Corridor Management Officer at michelle.lavallee@ontario.ca

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 French River, therefore can be supported from planning perspective.

Member Branconnier questioned how the easement is transferred. The Director of Planning stated that they are to be shared by both properties.

Resolution: 23-035

BE IT RESOLVED THAT Consent Application B/16-20/23/FR submitted by Kevin Seeley recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Paul Branconnier

SECONDED BY: Dave Froats

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 approval will lapse.

conditions of this provisional consent or the

b) B/21/23/FR – Harold Faubert and Mary Walford

The Director of Planning summarized the application.

The Sudbury East Planning Board has received an application to create one rural lot on Highway 64. The proposed severed lot is to be approximately 5.0 hectares in lot area with a lot frontage of 100.0 metres and is presently vacant. The proposed retained lot is to be approximately 27.50 hectares in lot area with a lot frontage of 100.0 metres on Highway 64 and contains a single family home, carport, two detached garages, and wood shed.

With respect to the OP:

In this case, proposed severed Lot 1 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 64 which the Ministry of Transportation had no objections (September 30th, 2022) 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 owner has provided previous comments obtained from the Sudbury and District Health Unit that are supportive (July 22nd, 2022). 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 100.0 metres. The proposed Lot 1 conforms to the minimum requirements of the RU Zone and are intended to be used for residential uses as permitted by the zone.

Agency Comments:

The Municipality of French River has no objection to the severance; however Municipal Drain and Parkland Dedication conditions are applicable as it relates to the severance.

The Ministry of Transportation has no objection to the severance. MTO has elected to grant a variance of 50 metres less than the required 250 metres rather than recommend a mutual access from your existing driveway.

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.

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

Bell Canada 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 questions from the board.

Resolution: 23-036

BE IT RESOLVED THAT Consent Application B/21/23/FR submitted by Harold Faubert and Mary Walford be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Mary Bradbury

SECONDED BY: Josh Lachance

Carried

c) B/22-23/23/MW – Megan Bradley and George Haddow

The Director of Planning summarized the application.

The Sudbury East Planning Board has received an application to create two Rural lots on Langlois Road. The proposed severed Lot 1 is to be 17.80 hectares in lot area with 100 metres of road frontage on Langlois Road and contains a barn. The proposed severed Lot 2 is to be 8.09 hectares in lot area with 100 metres of road frontage on Langlois Road and is presently vacant. The proposed retained lot is to be 35.20 hectares in lot area with 200 metres of road frontage on Langlois Road and contains a single-family home and woodshed.

With respect to the OP:

In this case, the proposed severed Lot 1 and Lot 2, and retained parcel conform to 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 Langlois Road which is publicly assumed and maintained year-round by the Municipality of Markstay-Warren. 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 owner has provided previous comments obtained from the Sudbury and District Health Unit that are supportive (January 31st, 2023). Appropriate documentation with respect to availability of sewage hauling services and probability of potable water have been provided.

With respect to section 3.5, Natural Heritage, it is the goal of the Planning area to protect significant and sensitive features and functions. Environmental Ecosystems Inc. compiled an ecological site assessment to address the concerns regarding delineated wetlands across the site and assessed the habitat suitability for the Blanding Turtle. The findings in the report determined that development would likely be limited to an area of two (2) acres because a wetland, that being a stream/river within the proposed severed lots, has linkages with other natural features, as well as wildlife and fish habitat. Eleven (11) mitigation strategies were recommended by the consultants which will be addressed and implemented through a site-specific zoning by-law amendment application.

With respect to zoning.

Proposed Zoning: Rural (RU) with Special Provision.

The Rural (RU) Zone requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100.0 metres. Each of the proposed lots conform to the minimum requirements of the RU Zone and are intended to be used for residential uses as permitted by the zone.

Eleven (11) mitigation strategies were recommended by the consultants which will be addressed and implemented through a site-specific zoning by-law amendment application. This measure will ensure there will be no negative impacts on the existing features or their functions.

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

Agency Comments:

Sudbury District Health Unit: It appears that the proposed severed and retained lots are capable of development for installation of a septic system and leaching bed system. January 31st, 2023.

Hydro One: no comments or concerns currently.

Bell Canada: no concerns with respect to the proposed 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 Markstay-Warren, therefore can be supported from planning perspective.

There were no comments or questions from the board.

Resolution: 23-037

BE IT RESOLVED THAT Consent Application B/22-23/23/MW submitted by Megan Bradley and George Haddow be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Josh Lachance

SECONDED BY: Dave Froats

Carried

d) B/24-25/23/MW – Cindy Peet and Tony Peet

The Director of Planning summarized the application.

The Sudbury East Planning Board has received an application to create two Rural lots on Highway 535. The proposed severed Lot 1 is to be 5.0 hectares in lot area with 100 metres of road frontage and is presently vacant. The proposed severed Lot 2 is to be 5.0 hectares in lot area with 100 metres

of road frontage and is presently vacant. The proposed retained lot is to be 30.0 hectares in lot area with 764 metres of road frontage and contains a single-family home and detached garage.

With respect to the OP:

In this case, proposed severed and retained lots will conform to the requirements of the 'Rural (RU)' Zoning and it is anticipated that the proposed rural use will be compatible with the surrounding rural uses. Adequate access for the proposed lots to be severed and retained parcel of land are to be accessed from Highway 535 North which is maintained year-round by the Ministry of Transportation (MTO). MTO provided comments and had **no objections in principle** (July 18th, 2022) to the proposed severances. With respect to servicing, the applicant has provided the required documentation to demonstrate reasonable expectation of potable water and capacity for hauled sewage. The owner has provided comments obtained from the Sudbury and District Health Unit that are **supportive** with respect of 'lot 1' and 'lot2' being capable of development for installation of a septic tank and leaching bed system (March 24th, 2023). No development constraints have been identified that would require support studies. Minimum Distance Separation (MDS) is not applicable in this instance, as there are no farming related activities in the area. The application, as proposed, generally conforms to the intent and the policies of the Official Plan.

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 retained and severed Lot 1 and Lot 2 will continue to conform to the above noted requirements. The proposed lots to be severed and retained will have a lot area that exceeds 5.0 hectares and has 100.0 metres of road frontage on Highway 535.

Agency Comments:

Ministry of Transportation: Please note that the MTO will not issue an entrance permit prior to the consent application being approved and the new plans registered. MTO does not object in principle to the proposed severances.

No Comments were received as of the date this report was written – July 18th, 2022.

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 – March 24th, 2023.

Hydro One: no comments or concerns at this time.

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.

Member Bradbury asked if the Ministry of Transportation requested specific areas for driveways. The Director of Planning reassured her that they do.

Resolution: 23-038

BE IT RESOLVED THAT Consent Application B/24-25/23/MW submitted by Cindy Peet and Tony Peet be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Mary Bradbury

SECONDED BY: Josh Lachance

Carried

e) B/26/23/KL – Wesley Tyson

The Director of Planning summarized the application.

The Sudbury East Planning Board has received a severance application to create one residential lot on Noble Street. The proposed severed lot is to be approximately 0.27 hectares in lot area with approximately 30.48 metres of lot frontage and is presently vacant. The proposed retained lot is to be approximately 0.40 hectares in lot area with a lot frontage of approximately 39.92 metres and contains a single-family home and a few accessory structures which are not assessed through MPAC Comprehensive (based on aerial imagery).

With respect to the OP

Community Policy Areas have the highest concentration and intensity of land uses, are the primary focus for residential and commercial development, and provide the largest range of dwelling types in the Planning Area. New development within these areas is intended to be fully serviced by municipal water and sewage services. New development on existing vacant lands within the Community Policy Areas will occur adjacent to the built-up area and make the most efficient use of existing infrastructure.

The proposed consent can be considered infilling, as the proposed vacant lot is surrounded by existing developed residential lots in the Community of Killarney. With respect to servicing, the proposed lot will be required to connect to the existing municipal water and wastewater services upon development. The municipality does not have concern with respect to the capacity to accommodate the lot creation.

With respect to zoning

The 'Residential One (R1)' Zone permits several low-density residential uses including single detached dwellings, semi and duplex dwellings, bed and breakfast establishments, group homes,

home occupations and private home daycare. 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 in the Community of Killarney the minimum lot frontage required is 18.0 metres and the minimum lot area required is 0.15 hectares.

The severed lot through application B-26 and retained lot will meet the frontage and area requirements of the residential One (R1) Zone. Planning staff have no concern regarding the creation of one new residential lot, as it is desirable from a planning perspective to have a consistent lot fabric.

Agency Comments:

Bell Canada: has no concerns with respect to the proposed application.

Municipality of Killarney: No objections to the proposed consent application. Will require approval to connect to municipal water and sewer infrastructure which is at the cost of the owner.

Chief Building Official: no concerns.

Public Works Superintendent: no concerns.

Fire Department: no concerns.

Hydro One: no comments or 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 Killarney, therefore can be supported from planning perspective.

There were no questions from the board.

Resolution: 23-039

BE IT RESOLVED THAT Consent Application B/26/23/KL submitted by Wesley Tyson be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Dave Froats

SECONDED BY: Mary Bradbury

Carried

8. BUSINESS ARISING FROM PREVIOUS MINUTES

- No new business

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

MEETING

10. PAYMENT OF VOUCHERS

a) February and March 2023

Resolution 23-040

BE IT RESOLVED THAT the statement of disbursements for the month February 2023 in the amount of \$27,471.41 and March 2023 in the amount of \$17,508.82 to be distributed and is hereby approved for payment.

MOVED BY: Dave Viau

SECONDED BY: Carol Lemmon

Carried

12. ADJOURNMENT

Resolution: 23-041


BE IT RESOLVED THAT the Meeting be adjourned at 7:47 P.M.

AND THAT the next regular meeting be held on May 11th, 2023 at 5:30 P.M. at the Municipality of French River Municipal Office Virtually and in person.

MOVED BY: Renee Germain

SECONDED BY: Josh Lachance

Carried.



CHAIR



SECRETARY-TREASURER

