



August 5, 2015

MINUTES OF PLANNING BOARD MEETING - July 28, 2015

At a Meeting of the Manitoulin Planning Board, held in the Board Room at the Planning Board Office, Gore Bay, Ontario, on July 28, 2015, the following Members of Planning Board were present:

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|----|------------|----|-------------|
| 1. | D. Osborne | 5. | K. Noland |
| 2. | M. Peters | 6. | R. Stephens |
| 3. | P. Moffatt | 7. | L. Hayden |
| 4. | A. H. Hunt | | |

Regrets: B. St. Denis and E. Russell
Absent: D. Head and L. Addison

Also in attendance were:

T. Sasvari, reporter, Manitoulin West Recorder;

There were no other interested parties or members of the general public or press in attendance.

The Meeting was called to Order at 7:00 P.M. by Chair K. Noland, who welcomed all present.

The Chair asked if there were any Board Members who wished to declare a conflict of interest with any of the items listed on the agenda or having to do with the previous Board Meeting of June 23, 2015. There were no conflicts declared.

1. ORDER OF BUSINESS

The Chair requested that the agenda as circulated be amended to add item 5. a) iii) Communication Towers; iv) August Board Meeting; and v) OACA Fall Seminar.

MOTION

It was moved by L. Hayden and seconded by D. Osborne that the Order of Business be adopted as amended. - Carried.

2. MINUTES OF PREVIOUS BOARD MEETING - June 23, 2015

The Chair announced that the Minutes of the Board Meeting held June 23, 2015 had been circulated to all Board Members and requested that any errors or omissions be stated.

There being no errors or omissions, a motion was moved by R. Stephens and seconded by P. Moffatt that the Minutes be adopted as circulated. - Carried -

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING
- June 23, 2015

There was none.

3. VARIABLE EXPENDITURES

There were no questions of the variable expenditures as circulated.

MOTION

It was moved by A. H. Hunt and seconded by D. Osborne that the variable expenditures be accepted as presented. - Carried.

4. PRESENTATION OF APPLICATIONS FOR CONSENT

The Chair announced that the applications for consent to sever would now be heard.

Note: For the sake of continuity the details and decisions of the presentations will be so recorded in the usual fashion toward the end of the Minutes.

5. GENERAL, REGULAR AND NEW BUSINESS

a) General Up-date by Secretary-Treasurer

i) Town of Northeastern Manitoulin and the Islands' Request for Planning Authority

The Secretary-Treasurer advised that, to date, the Ministry of Municipal Affairs and Housing had not requested or provided any additional information for the Board to respond to.

ii) Conveyance of Land or Cash-in-lieu - Condition of Development

The Board Members were provided with additional information, including:

- a copy of The Corporation of the Municipality of Killarney By-law No. 2006-34 Being a By-law to Adopt a Policy on the Dedication of Parkland in the Municipality of Killarney;
- Excerpt from the Draft Official Plan - Policy F.4.14 - Parkland Dedication
- Excerpt of a Policy Discussion Paper on Section 42 of the Planning Act - Parkland Dedication

Currently, the Municipality of Gordon/Barrie Island and the Town of Gore Bay have expressed interest in reviewing their current by-laws on this subject. It was the general consensus that this information was to be sent to all Municipalities for further discussion.

iii) Communication Towers

Rogers Communications Inc. is the prime carrier in the process of securing two sites in Robinson & Dawson Townships to install 120 m guyed towers to improve wireless services for both Rogers and Bell on western Manitoulin Island. These two sites are part of a joint built project with Bell that includes four towers in the following surrounding areas: Evansville; Providence Bay, Sheshegwaning & Zhiibaahaasing First Nations; and Meldrum Bay. Bell will be the prime carrier for the two sites in Evansville and Providence Bay.

Telecommunication sites are regulated by Industry Canada under the Radio-communication Act. Industry Canada has a default public consultation process that is to be followed to establish new sites unless the land-use authority has created their own. As the Manitoulin Planning Board has not established their own protocol/policy, Industry Canada's default consultation process will be followed and therefore they are required to consult with the land-use authority prior to commencing public consultation.

The Board were provided information on the location of the two sites in Meldrum Bay within Lot 25, Conc. X, Dawson Township, on the Mississauga Lighthouse Road and the Morrisville Area within Lot 20, Conc. XII, Robinson Township, on the Sheshegwaning Road.

The only concern expressed by Planning Board was that the tower to be located on the Sheshegwaning Road may be interfered with by the land elevations in this area. The Secretary-Treasurer advised that she would convey this concern to Rogers Communications Inc.

iv) August Board Meeting

The Board were advised that, at this time, there did not appear to be sufficient business to require an August Board Meeting. The Board were in general agreement that the next regular Board Meeting would be September unless application activity should require a meeting in August.

5. GENERAL, REGULAR AND NEW BUSINESS
 - a) General Up-date by Secretary-Treasurer - Continued
 - v) OACA Fall Seminar

The Secretary-Treasurer advised the Board that the regular Planning Authorities Technical Workshop held by the Ministry of Municipal Affairs and Housing (MMAH) in Sudbury is being held on September 23 and 24, 2015. The Ontario Association of Committees of Adjustment (OACA) Fall Seminar is scheduled to be held in North Bay on September 24 and 25, 2015. The schedule of workshops for the OACA seminar had just been received and there appeared to be some interesting workshops planned, i.e. Shore Road Allowances, Validation Certificates and Fairness and Transparency in the Decision-Making Process. The Board were advised that both the Secretary-Treasurer and Deputy Secretary-Treasurer were planning to attend the Sudbury Workshop, therefore, considering they would already be in Sudbury, it would cost approximately \$550.00 for them to continue to North Bay and attend the OACA workshop as well.

The final agenda has not been received for the MMAH workshop, therefore it is unknown if the workshops in North Bay would be repetitive.

Discussion resulted in the following Motion:

MOTION

It was moved by A. H. Hunt and seconded by P. Moffatt that the Board support the two staff members in attending the OACA Fall Seminar in North Bay in addition to the MMAH Technical Workshop if the staff considered the workshops to be of benefit to them.
- Carried.

- b) Crown Land Acquisition Opportunities to Support Lot Development in the North

Municipalities have been provided an opportunity to participate in a WebEx call hosted by the Ministry of Natural Resources & Forestry (MNR) to receive further information around these opportunities to acquire Crown Land and ask questions. This is not a new initiative, as MNR typically entertains these sorts of requests as they come forward. However, the Minister is interested in profiling this option for economic development.

The Secretary-Treasurer advised that while it was expected this would have little or no impact on this Planning Area she had dialed into the WebEx to get an understanding of the procedure. A copy of the Guide to the Acquisition of Crown Land to Support Municipal Cottage Development is available on line and at the Planning Board office.

There was general conversation regarding the Planning Area not having much, if any, Crown Land and questions regarding what was considered to be Crown Land. The Secretary-Treasurer advised she would attempt to get additional information.

6. OFFICIAL PLAN REVIEW

- New Lot Development Accessed by Private Roads/Rights-of-Way
- Carter Bay

The Secretary-Treasurer confirmed that the draft policies expected from the Ministry of Municipal Affairs and Housing had, to date, not been received. It is unknown when they will be available.

There has been no additional information received regarding the Carter Bay development proposal.

PRESENTATION OF APPLICATIONS FOR CONSENT TO SEVER

The Chair announced that the purpose of this phase of the meeting is:

- (a) to consider a applications for consent under Section 52 of the Planning Act,
- (b) to make decision in regard to the applications scheduled to be heard, and, explained that this phase is open to the public and any interested parties will be given the opportunity to speak in support or oppose an application.

The Chair then asked if any Board Members have or wish to declare a "Conflict of Interest", at this meeting or previous meeting. There were no conflicts declared.

Following is the list of Applications for Consent considered at this meeting.

		<u>Moved By</u>	<u>Seconded By</u>
1.	B30-15 P. Flanagan	A. H. Hunt	P. Moffatt
2.	B31-15 S. Marshall	L. Hayden	M. Peters
3.	B32-15 C. Seabrook	P. Moffatt	R. Stephens
4.	B33-15 Martian Properties Inc.	L. Hayden	D. Osborne
5.	B34-15 and B35-15 Daniel Nicholson	L. Hayden	P. Moffatt
	that this application be deferred until the applicant has provided the Manitoulin Planning Board with a copy of the transfer consolidating Part 1, Plan 31R-1759, excepting Part 1, Plan 31R-2619, and Part 2, Plan 31R-1759, excepting lands conveyed to the Municipality, thereby nullifying the previous consent approval. - Carried.		
6.	B36-15 W. & A. Aelick	M. Peters	P. Moffatt

It was moved and seconded that the above applications be conditionally approved, subject to all conditions being fulfilled as stated in the Decisions. - Carried.

The above motion applies to all applications excepting B34-15 and B35-15.

Application File No.: B30-15 **No. of Members Present:** 7
Date of Decision: July 28, 2015
Location of Property: Part Lot 4, N/S Park Street, Being Parts 3 and 4, Plan 31R-523, Town of Gore Bay - Plan 4, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Peter Flanagan is to provide for a lot addition, surveyed as Part 3, Plan 31R-523, having a frontage of ±39.4 M. on Park Street and a depth of ±45.7 M., thereby containing an area of ±1,800 Sq. M. which is to be added to an existing parcel of land, surveyed as Parts 1 and 2, Plan 31R-523, Parts 1 and 2, Plan 31R-908 and Part 1, Plan 31R-474, having frontages of ±62.8 M. on Park Street and ±291.5 M. on Powell Street, and an average depth of ±133.6 M., thereby containing an area of ±2.7 Hec. This lot addition will result in a lot, containing a dwelling, having frontages of ±102 M. on Park Street and ±291.5 M. on Powell Street, both maintained municipal streets, and an average depth of ±133 M., thereby containing a total area of ±2.9 Hec.

The land to be retained, being Part 4, Plan 31R-523, has a frontage of ±39.4 M. on Park Street, a maintained municipal street, and a depth of ±45.7 M., thereby containing an area of ±1,800 Sq. M. The applicant's dwelling is located on this land.

There have been three (3) previous applications for consent.

File No. 04-51C-77-501, approved by the Ministry of Housing, lapsed when conditions of consent approval were not fulfilled within one year as required under the Planning Act;
File No. 04-51C-79-833, approved by the Ministry of Housing, created a new lot surveyed as Parts 1 & 2, Plan 31R-908 and retained Parts 1, 2, 3, & 4, Plan 31R-523; and
File No. B97-87 provided for a lot addition of Parts 1 & 2, Plan 31R-523 to be added to Parts 1 & 2, Plan 31R-908.

A recent document, MD11321, registered on June 15, 2015, has consolidated Parts 1 & 2, Plan 31R-523, Parts 1 & 2, Plan 31R-908 and Part 1, Plan 31R-474, the lands receiving the lot addition, into one parcel.

Access to the subject lands is via Park Street and Powell Street, both maintained municipal streets.

Services consist of municipal water and individual private septic system. There are no new services required as a result of this application for a lot addition.

From information available the subject land does not appear to have any natural heritage features or species at risk (SAR) concerns.

The subject land has been designated Residential Policy Area and zoned Residential (R1). Residential uses are proposed to continue.

This proposal is considered to be consistent with the Provincial Policy Statement (PPS) 2014.

The application was circulated on June 23rd, 2015 to the Town of Gore Bay and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

The Municipality advised on June 30th, 2015 they have no concerns with the application.

There have been no inquiries or concerns received as a result of circulation to property owners within 60 metres or posting of the Notice.

There was no one in attendance who wished to speak in support or opposition to the application.

Consent is tentatively granted subject to the following conditions:

The following documents must be submitted to the Secretary-Treasurer of the Board within one year from the date of the notice of decision for certification:

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer; and

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July 28th, 2015

- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s). This Schedule must also:
 - i) contain the names of the parties indicated on the Transfer of Land form; and
 - ii) state this conveyance is a consolidation of the severed lands with lands identified by the property identification number (PIN) and confirmed by a copy of the Parcel Register.

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates;
- ii) an undertaking from a Solicitor stating that the severed parcel, Part 3, Plan 31R-523 will be consolidated on title with the benefiting lands, at the time of registration of the Transfer and a copy of the resulting Transfer will be provided to the Manitoulin Planning Board;
- iii) proof that any portion of a travelled road, which is maintained by the Municipality, encroaching on the subject land, has been surveyed and conveyed to the Municipality satisfactory to the Municipality;
- iv) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- v) a written confirmation from the municipality that all outstanding municipal taxes have been paid.

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

Application File No.: B31-15 **No. of Members Present:** 7

Date of Decision: July 28, 2015

Location of Property: Part Lots 15 and 16, South Side Water Street, Being Parts 1 and 2, Plan 31R-191, Townplot of Shaftesbury - Plan 2, Town of Northeastern Manitoulin and the Islands, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Stephen Marshall is to provide for a lot addition having a frontage of ± 12.2 M. on Cherry Lane, and a depth of ± 31.2 M., thereby containing an area of ± 380 Sq. M., which is to be added to Part Lot 15, North Side Robinson Street, identified by PIN 47122-0665, having frontages of ± 30.9 M. on Robinson Street and ± 50.3 M. on Cherry Lane, both maintained municipal streets, and a depth of ± 50.3 M., thereby containing an area of $\pm 1,565$ Sq. M. This lot addition will result in a lot, containing a dwelling, having frontages of ± 30.9 M. on Robinson Street and ± 62.5 M. on Cherry Lane, and a depth of ± 62.5 M., thereby containing a total area of $\pm 1,603$ Sq. M.

The land to be retained, has a frontage of ± 15.2 M. on Cherry Lane, and an irregular width and depth, thereby containing an area of $\pm 2,780$ Sq. M. There is a garage located on this land, which has existed for many years. According to the transfer document that accompanied the application, this land is subject to easements over Parts 1, 2, 3 and 4, Plan 31R-1098 for waterline and access.

File No. B85-80, made by a previous land owner, granted the two easements over the subject lands in favour of the owners of Parts 3, 4, and 5, Plan 31R-1752 (PIN 47122-0660).

Access to the subject lands is from Robinson Street and Cherry Lane, both maintained municipal streets.

Services consist of municipal water and sewers. There are no new services required as a result of the application for lot addition.

From information available the subject land does not appear to have any natural heritage features or species at risk (SAR) concerns.

The subject land is designated Residential Policy Area and zoned Residential (R1). Residential uses are proposed to continue.

This proposal is considered to be consistent with the Provincial Policy Statement (PPS) 2014.

The application was circulated on June 25th, 2015 to the Town of Northeastern Manitoulin and the Islands and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

The Clerk for the Municipality advised by Resolution No. 167-07-15:

'RESOLVED THAT the Council of the Corporation of the Town of Northeastern Manitoulin and the Islands had no comments or concern in regard to the application for consent as applied for by Stephen Marshall, File # B31-15.'

There have been no inquiries or concerns received as a result of circulation to property owners within 60 metres or posting of the Notice.

There was no one in attendance who wished to speak in support or opposition to the application.

Consent is tentatively granted subject to the following conditions:

The following documents must be submitted to the Secretary-Treasurer of the Board within one year from the date of the notice of decision for certification:

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer; and
- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s). This Schedule must also:
 - i) contain the names of the parties indicated on the Transfer of Land form; and

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- ii) state this conveyance is a consolidation of the severed lands with lands identified by the property identification number (PIN) and confirmed by a copy of the Parcel Register.

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates;
- ii) an undertaking from a Solicitor stating that the severed parcel will be consolidated on title with the benefiting lands, PIN 47122-0665, at the time of registration of the Transfer and a copy of the resulting Transfer will be provided to the Manitoulin Planning Board;
- iii) proof that any portion of a travelled road, which is maintained by the Municipality, encroaching on the subject land, has been surveyed and conveyed to the Municipality satisfactory to the Municipality;
- iv) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- v) a written confirmation from the municipality that all outstanding municipal taxes have been paid.

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

Application File No.: B32-15 **No. of Members Present:** 7

Date of Decision: July 28, 2015

Location of Property: Part Lot 22, Conc. III, Being Part 1, Plan 31R-2330, Township of Carnarvon, Municipality of Central Manitoulin, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Cathy Seabrook is to provide for a lot addition, being Pt. Part 1, Plan 31R-2330, having a frontage of ±184 M. on Highway No. 551, and an average depth of ±344 M., thereby containing an area of ±23 Hec., which is to be added to an existing lot being Lot 23, Conc. III, excepting Parts 1 and 2, Plan 31R-1571, having a frontage of ±276 M. on Hill Road, a maintained municipal road, and an average depth of ±974 M., and containing an area of ±39 Hec. This lot addition will result in a lot, containing a barn, having frontages of ±184 M. on Highway No. 551 and ±276 M. on Hill Road, and an irregular depth, thereby containing a total area of ±62 Hec.

The land to be retained, being the remainder of Part 1, Plan 31R-2330, has a frontage of ±502 M. on Highway No. 551, and an irregular depth, thereby containing an area of ±4.8 Hec. The applicant's dwelling, horse barn, and horse arena are located on this land. The proposed new lot line follows an existing fence line and buried hydro line, which services the dwelling.

There have been four (4) previous applications for consent, involving Lot 22, Conc's. III and IV, made by the applicant's parents. This application is to permit a lot addition to an existing parcel of land which is being used for Agriculture purposes. There will not be a new lot resulting.

File No. B77-91 provided for the creation of a new lot, being Part of Lot 22, Conc. III, surveyed as Part 1, Plan 31R-2330, being the subject land;

File No. B55-94 created a new lot surveyed as Part 1, Plan 31R-2682. An approved Zoning By-law Amendment, No. 95-17, permits uses related to the established farm implement museum on this land;

File No. B43-07 created a new lot surveyed as Part 1, Plan 31R-3590, being Pt. of Part 1, Plan 31R-2682, which is presently being used as a car wash. The completion of this file resulted in the lot created by File No. B55-94 merging back with the previously retained land; and

File No. B01-12 created a new lot surveyed as Part 1, Plan 31R-3872.

Access is via Highway No. 551 and Hill Road, a maintained municipal road.

Paul Marleau, Corridor Management Planner, Ministry of Transportation, advised by e-mail on June 15, 2015:

'Since the properties in question are located within our permit control area, the following will be requested Notes should formal Consent application be made to the Planning Board.'

REQUESTED NOTES:

- *The Ministry of Transportation of Ontario (MTO) advises that a MTO entrance permit will be required to reflect any changes to land ownership*
- *A MTO building/land use permit will be required for any proposed buildings, parking lot, septic systems, wells, etc. located within 46 m of the highway property line or within a 183 metre radius of intersections.'*

The applicant's dwelling is serviced by a private sewage disposal system and private well. Accompanying the application is a Certificate of Approval, No. 712-92-017, issued November 4th, 1992 by the Sudbury and District Health Unit, for the septic system on the proposed retained land.

The subject land has been designated Agriculture District and zoned Agriculture (A).

This land is not identified as Prime Agricultural Land by the Ministry of Agriculture, Food and Rural Affairs. Agriculture and farm related residential uses are proposed to continue. The proposed lot addition is considered to have no negative impact on existing agricultural uses.

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The Ministry of Natural Resources and Forestry, District Planner, E. Cobb, provided the following comments:

'The applicant should be informed that as long as the use of the lot addition meets the definition of "agriculture operation" as per Section 4.1 of O. Reg. 242/08, agricultural activities are exempt from provisions of the Endangered Species Act (ESA) until December 31, 2015 after which these activities may be subject to authorization requirements under ESA.'

The subject land does not appear to have any natural heritage features or species at risk (SAR) concerns, due to the continued agricultural uses.

The proposal is considered to be consistent with the Provincial Policy Statement (PPS) 2014.

This application was circulated on July 2nd, 2015 to the Municipality of Central Manitoulin and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

The Municipality of Central Manitoulin advised they have no concerns and note that there is a municipal drain within the subject land.

The municipal drain, known as the Tallman Drain, is within Lot 22, Conc. III, therefore Section 65 of the Drainage Act applies and a reassessment may be required.

There have been no inquiries or concerns received as a result of circulation to property owners and/or the posting of a notice.

During consideration of the application, there was a discussion regarding the proposed new lot line following the tree line and it was the general consensus of the Board that the new lot line should be perpendicular with the east boundary. It was explained that the applicant had been advised that the Board may prefer a straight lot line.

There was no one in attendance who wished to speak in support or opposition to the application.

Consent is tentatively granted subject to the following conditions:

The following documents must be submitted to the Secretary-Treasurer of the Board within one year from the date of the notice of decision for certification:

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer; and
- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s). This Schedule must also:
 - i) contain the names of the parties indicated on the Transfer of Land form; and
 - ii) state this conveyance is a consolidation of the severed lands with lands identified by the property identification number (PIN) and confirmed by a copy of the Parcel Register.

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates. The new lot line between the severed and retained land is to be surveyed perpendicular with the east boundary;
- ii) an undertaking from a Solicitor stating that the severed parcel will be consolidated on title with the benefiting lands, at the time of registration of the Transfer and a copy of the resulting Transfer will be provided to the Manitoulin Planning Board;
- iii) proof satisfactory to Planning Board that the minimum yard requirements resulting from the new lot line conform to Zoning By-law No. 2002-07, i.e. written verification from the Ontario Land Surveyor;

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- iv) written confirmation from the Municipality that any reassessment required for the subject lands as required by Section 65 of the Drainage Act have been completed by the landowner satisfactory to the Municipality;
- v) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- vi) a written confirmation from the municipality that all outstanding municipal taxes have been paid.

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

Note: Owners of the subject lands should be aware that the cost of maintenance of municipal drains is prorated to landowners.

Application File No.: B33-15 **No. of Members Present:** 7

Date of Decision: July 28, 2015

Location of Property: Part Lots 9 and 10, South Side Main Street, Being Parts 1, 2 and 3, Plan 31R-4001 and land described by PIN 47108-0377, Townplot of Gore Bay - Plan 4, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Martian Properties Inc. is to provide for the creation of a new lot, described as being the east half of Part 3, Plan 31R-4001 (part of PIN 47108-0669) and lands described by PIN 47108-0377, having frontages of ± 38.1 M. on Main Street and ± 44.3 M on Water Street, both maintained municipal streets, and an average depth ± 40 M., thereby containing an area of $\pm 1,844$ Sq. M. There are currently no structures on this land. According to the application, a four unit residential dwelling (4-plex) is proposed for this new lot.

The land to be retained, being Parts 1 & 2 and the west half of Part 3, Plan 31R-4001, (part of PIN 47108-0669), has frontages of ± 27.7 M. on Main Street and ± 77.7 M. on Meredith Street, both maintained municipal streets, and an average depth of ± 40 M., thereby containing an area of $\pm 3,238$ Sq. M. There are no structures on this land.

Consent File No. B12-15 provided for a lot addition of Part 1 to Parts 2 and 3, Plan 31R-4001. This land has been consolidated and is described by PIN 47108-0669. The landowner has recently acquired abutting land described by PIN 47108-0377.

Access is from Meredith Street, Main Street and Water Street, all maintained municipal streets.

Services consist of municipal water and municipal sewers.

The subject land has been designated by the Secondary Plan for Gore Bay as Central Core and Open Space Policy Areas and zoned Residential (R1). The proposed retained land has also been designated Residential Policy Area. An approved By-law, No. 2015-20, permits a vehicle sales parking lot within Parts 1, 2 and Pt. of Part 3, Plan 31R-4001, excluding the sidewalk, which is proposed to be used by McQuarrie Motors.

An amendment application, File No.: 8019ZBL-15-004, has been submitted to the Town of Gore Bay, for a Public Meeting date of August 10th, 2015. This amendment, if approved, will rezone the severed land from Residential (R1) Zone to Multiple Family Residential (RM) Zone, which would permit a four unit residential dwelling (4-plex).

From information available the subject proposal does not appear to have any effect on natural heritage features or species at risk (SAR).

This proposal is considered to be consistent with the Provincial Policy Statement (PPS) 2014.

This application was circulated on July 8th, 2015 to the Town of Gore Bay and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

The Municipality advised they have no concerns with the application.

There have been no inquiries or concerns received as a result of circulation to property owners within 60 metres and/or posting of notice.

There was no one in attendance who wished to speak in support or opposition to the application.

Consent is tentatively granted, subject to the following conditions:

The following documents must be submitted to the Secretary-Treasurer of the Board within one year from the date of the notice of decision for certification:

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and
- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s), given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form.

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Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates;
- ii) proof that any portion of a travelled road, which is maintained by the Municipality, that encroaches on the subject land, has been surveyed and conveyed to the Municipality satisfactory to the Municipality;
- iii) proof that the sidewalk area, along Meredith Street, being Pt. of Part 3, Plan 31R-4001, has been surveyed and conveyed to the Municipality satisfactory to the Municipality;
- iv) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- v) a written confirmation from the municipality that all outstanding municipal taxes have been paid.

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall not apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

Application File No's.: B34-15 and B35-15 No. of Members Present: 7

Date of Decision: July 28, 2015

Location of Property: Part Lot 27, Conc. VIII, (#157 Emery Road), Township of Allan West,
West, Municipality of Gordon/Barrie Island, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Daniel Nicholson is to provide for one lot addition and the creation of one new lot.

File No. B34-15 proposes a lot addition having a width of ± 172 M., and a depth of ± 402 M., thereby containing an area of ± 6.9 Hec., which is to be added to land owned by Jack Bould, surveyed as Part 1, Plan 31R-2137 and Parts 1 & 2, Plan 31R-418, having a frontage of ± 198.7 M. on Emery Road, a maintained municipal road, and an irregular depth, thereby containing an area of ± 0.7 Hec. This lot addition, will result in a lot, containing a dwelling, having a frontage of ± 198.7 M. on Emery Road, and an average depth of ± 442 M., thereby resulting in a total area of ± 7.6 Hec.

File No. B35-15 proposes the creation of a new lot having a frontage of ± 136 M. on Emery Road, a maintained municipal road, and a depth of ± 54 M., thereby containing an area of ± 0.7 Hec. The applicant's dwelling and accessory structure are located on this land.

The land to be retained, has a frontage of ± 150 M. on Emery Road, a maintained road, and an average depth of ± 342 M., thereby containing an area of ± 13.35 Hec. There are no structures on this bush covered land.

There have been four (4) lots created by previous applications for Consent.

File No. B58-86 provided for the technical severance of Lot 27, Conc. VIII from Lots 27 & 28, Conc. VII;

File No. B47-87 created two new lots surveyed as Parts 1 & 2, Plan 31R-1759;

File No. B77-93 created a new lot surveyed as Part 1, Plan 31R-2619, which nullified the consent for Part 1, Plan 31R-1759; and

File No. B21-07 created a new lot surveyed as Part 1, Plan 31R-3572.

Official Plan Policy No. F-15.5 states:

'As a guide to Planning Board in determining whether a plan of subdivision under Section 53 of the Planning Act is necessary, three (3) additional residential lots shall be considered the maximum number of divisions by consent. Where the ownership would be capable and appropriate for division into more than the three (3) additional residential lots, a plan of subdivision may be required.'

Notwithstanding the foregoing policy, any Township Lot as originally surveyed may be severed from an entire holding without affecting the 3 lot limit on severances of land by consent of any one ownership.'

The new lot proposed by File No. B35-15 was previewed by the Board during the regular June Board Meeting as requested by Mr. Nicholson. Mr. Nicholson has advised that the owner, his father Eric Nicholson, of Part 1, Plan 31R-1759, excepting Part 1, Plan 31R-2619, and Part 2, Plan 31R-1759 would be willing to have his property merge into one lot thereby eliminating one of the previously created lots under File No. B47-87. Consent for Part 1, Plan 31R-1759, which is vacant land, was nullified when Part 1, Plan 31R-2619 was created by File No. B77-93 and it is proposed to convey a strip of land along Emery Road to the Municipality thereby nullifying Part 2, Plan 31R-1759, which contains Mr. Nicholson's residence. It was the general consensus of the Board that the intent to nullify one of the previous consents approved by File No. B47-87 and the approval of the new lot proposed by File No. B35-15, containing the dwelling, would not result in creating a fifth lot within the subject lands.

Services consist of private well and private individual sewage disposal system. Accompanying the application is a Certificate of Approval, No. SHU-11286, issued May 17th, 1988 by the Sudbury and District Health Unit, for the septic system on the severed land proposed by File No. B35-15. There are no new services required at this time.

Access is via Emery Road a maintained municipal road.

The subject land has been designated Rural District by Official Plan Amendment No. 38 and zoned Rural, by By-law No. 88-03, Special Provision No. 8.9. The proposed use is rural residential.

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An unevaluated wetland is identified within the retained land. It appears there would be a building envelope on the retained land that would conform to the Natural Heritage Policies of the Provincial Policy Statement 2014.

From information available there are no natural heritage features or species at risk (SAR) identified that require further consideration.

This proposal is considered to be consistent with the Provincial Policy Statement (PPS) 2014.

The application was circulated on July 13th, 2015 to the Municipality of Gordon/Barrie Island and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

The Clerk for the Municipality advised, on July 28th, 2015, they have no concerns with the application. However they request that there is a transfer of land, being Part of Part 2, Plan 31R-1759, to the Municipality for road widening, which to date has not been completed.

There have been no inquiries or concerns received as a result of circulation to property owners and/or the posting of a notice.

There was no one in attendance who wished to speak in support or opposition to the application.

Following discussion of this application a motion was moved, duly seconded, and carried that this application be deferred until the applicant has provided the Manitoulin Planning Board with a copy of the transfer consolidating Part 1, Plan 31R-1759, excepting Part 1, Plan 31R-2619, and Part 2, Plan 31R-1759, excepting lands conveyed to the Municipality, thereby nullifying the previous consent approval.

Application File No.: B36-15 No. of Members Present: 7

Date of Decision: July 28, 2015

Location of Property: East Half of Lot 30 and the West Half of Lot 31, South Side Draper Street, surveyed as Parts 1 and 2, Plan 31R-1081, Shaftesbury Town Plot - Plan 2, Town of Northeastern Manitoulin and the Islands, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Wayne and Anna Aelick is to provide for the creation of a new lot, surveyed as Part 2, Plan 31R-1081, having a frontage of ±20.1 M. on Draper Street East, and a depth ±49.7 M., thereby containing an area of ±999 Sq. M. There is a dwelling located within this land, which the applicants propose to offer for sale.

The land to be retained, surveyed as Part 1, Plan 31R-1081, has a frontage of ±20.1 M. on Draper Street East, and a depth ±49.7 M., thereby containing an area of ±999 Sq. M. There is a (±4 m. X ±7 m.) garage located within this land.

Access is from Draper Street East, a maintained municipal street.

Services consist of municipal water and municipal sewers.

The subject land has been designated by the Secondary Plan for Little Current as Residential Policy Area and zoned Residential (R1). Residential uses are proposed to continue.

From information available the subject proposal does not appear to have any effect on natural heritage features or species at risk (SAR).

This proposal is considered to be consistent with the Provincial Policy Statement (PPS) 2014.

This application was circulated on July 13th, 2015 to the Town of Northeastern Manitoulin and the Islands and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

There have been no inquiries or concerns received as a result of circulation to property owners within 60 metres and/or posting of notice.

The Municipality advised by Resolution No. 180-07-15 as follows:

'RESOLVED THAT the Council of the Corporation of the Town of Northeastern Manitoulin and the Islands has an item of concern with the application for consent as applied for by Wayne and Anna Aelick, file # B36-15.

As the Town's zoning by-law states that "an accessory building is a detached building located on the same lot as the main building, the use of which is incidental or secondary to that the main building and which is not used for human habitation..." Therefore granting consent would violate our zoning regulations.....carried.'

During consideration of the application, there was a discussion regarding the accessory structure on the proposed retained land and noncompliance to Zoning By-law No. 2002-31. Jordan Chandler, agent for the application, was advised that the accessory structure on the proposed retained land would not conform to Zoning By-law No: 2002-31 and that a condition of consent approval would be that the lot must conform. The Clerk for the Municipality was advised that there have been two previous applications for consent, File No's. B27-10 and B53-10, within the Town of Little Current, whereby a precedent was established. Condition of the previous consent approvals was that the accessory structure be removed or that a complete building permit for a dwelling unit is received which would provide conformity to Zoning By-law No. 2002-31.

There was no one in attendance who wished to speak in support or opposition to the application.

Consent is tentatively granted, subject to the following conditions:

The following documents must be submitted to the Secretary-Treasurer of the Board within one year from the date of the notice of decision for certification:

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and

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- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s), given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form.

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates;
- ii) written confirmation from the Town of Northeastern Manitoulin and the Islands that appropriate actions have been taken, i.e. the filing of a complete application for a building permit for a dwelling or the removal of the accessory structure within Part 1, Plan 31R-1081 which will result in compliance to Zoning By-law No. 2002-31;
- iii) proof that any portion of a travelled road, which is maintained by the Municipality, that encroaches on the subject land, has been surveyed and conveyed to the Municipality satisfactory to the Municipality;
- iv) proof satisfactory to Planning Board that all minimum yard requirements, resulting from the new lot line(s), conform to Zoning By-law No. 2002-31; i.e. written verification from the Ontario Land Surveyor;
- v) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- vi) a written confirmation from the municipality that all outstanding municipal taxes have been paid.

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall not apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

Note: A building permit for a dwelling unit cannot be issued for Part 1, Plan 31R-1081 until the transfer document has been registered.

The time now being 8:55 p.m. and all business before the Board having been dealt with, the Meeting was adjourned on a motion moved by P. Moffatt.

K. E. NOLAND, CHAIR

E. L. CARTER, SECRETARY-TREASURER