



# MANITOULIN PLANNING BOARD

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June 24, 2015

## MINUTES OF PLANNING BOARD MEETING - June 23, 2015

At a Meeting of the Manitoulin Planning Board, held in the Board Room at the Planning Board Office, Gore Bay, Ontario, on June 23, 2015, the following Members of Planning Board were present:

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

Regrets: P. Moffatt, B. St. Denis, D. Head and L. Addison

Also in attendance were:

T. Sasvari, reporter, Manitoulin West Recorder;  
J. M. Pellerin, developer for Carter Bay Development;  
G. Keatley, O.L.S, interested party for Carter Bay Development;  
D. Beaton, Real Estate Agent, interested party for Carter Bay Development; and  
R. Bedard, Real Estate Agent, interested party for Carter Bay Development.

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 May 26, 2015. There were no conflicts declared.

### 1. ORDER OF BUSINESS

The Chair requested that the agenda as circulated be amended to add item 4b) Preview of Consent Proposals and, due to interested parties in attendance, Item No. 6 is to be dealt with after Item No. 3.

#### MOTION

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

### 2. MINUTES OF PREVIOUS BOARD MEETING - May 26, 2015

The Chair announced that the Minutes of the Board Meeting held May 26, 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 A. H. Hunt and seconded by E. Russell that the Minutes be adopted as circulated. - Carried -

### BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING - May 26, 2015

There was none.

### 3. VARIABLE EXPENDITURES

There were no questions of the variable expenditures as circulated.

#### MOTION

It was moved by R. Stephens and seconded by L. Hayden that the variable expenditures be accepted as presented. - Carried.

### 4. a) PRESENTATION OF APPLICATION 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.

#### b) Preview of Consent Proposals

- i) Owner/Applicant: Daniel Nicholson  
Location: Lot 27, Conc. VIII  
Township of Allan  
Municipality of Gordon/Barrie Island  
Reference Files: B47-87, B77-93 and B21-07

The Secretary-Treasurer provided the following information on previously created lots within Lot 27, Conc. VIII, Allan Township:

File B47-87 created Parts 1 and 2, Plan 31R-1759 as two new lots. Both of these lots are currently owned by Eric Nicholson and there is a dwelling located on Part 2, Plan 31R-1759;

File B77-93 created Part 1, Plan 31R-2619, which now is occupied by the Kingdom Hall. This severance nullified the previous consent granted that created Part 1, Plan 31R-1759; and

File B21-07 created Part 1, Plan 31R-3572, which was sold and contains a dwelling. The decision for this consent contained a note stating 'Further development, new lots, by the consent procedure for the subject lands will not be considered appropriate and must proceed by a Plan of Subdivision.' The Municipality also stated within comments relative to this file that 'Council is hesitant about supporting application, future applications will be looked at very carefully'.

The foregoing applications have resulted in the creation of four new lots.

Mr. Nicholson has advised that his father Eric Nicholson, who owns Part 2, Plan 31R-1759, which contains his dwelling, and Part 1, 31R-1759, excepting Part 1, 31R-2619, which is vacant, would be agreeable to his two lots merging into one parcel, which could be done by conveying a piece of property next to the township road to the Municipality. This action would eliminate one lot that has been previously created.

The request to the Board was if they would consider one more lot, which would contain Daniel Nicholson's residence, if one of the previously created lots was nullified. Mr. Nicholson would like to offer his dwelling for sale and retain the bush property.

It was the general consensus of the Board that, considering the intent to nullify one of the previous consents approved by File No. B47-87, the approval of a new lot proposed containing the dwelling would not result in creating a fifth lot within the subject lands.

However, it is noted that the lot to be nullified is not within the ownership of Daniel Nicholson. Therefore a condition of consent to have this lot nullified can not be attached to a decision as it would be a condition not within his power to fulfill. As a result of this consideration, proof of one of the previously created lots being nullified will be required prior to approval of the proposed new lot.

- ii) Lot 4, Conc. VII, Township of Allan, Municipality of Billings  
Reference File No's.: B106-07 to B109-07

For information purposes, the Secretary-Treasurer reviewed a request for a fifth lot within the retained land of the subject files. The Planning Board had previously deemed the subject land not to be capable of development by a Plan of Subdivision, therefore approval was considered appropriate for the four new lots accessed by privately maintained roads. There is a note on the previous decisions stating 'Further development by the Consent procedure will be discouraged'. Therefore, the owner has been advised that additional development by the consent procedure for a fifth lot can not be supported.

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

Attached to the Notice were copies of the letter dated June 1, 2015 sent to Lynn Buckham, Regional Director, Municipal Services Office North, Ministry of Municipal Affairs and Housing (MMAH) and the letter dated June 2, 2015 in response received from Ms. Buckham. Also provided to the Board was a copy of the letter dated June 17, 2015 sent to MMAH from the Town of Northeastern Manitoulin and the Islands (NEMI) and the attached Business Case for Establishing a Municipal Planning Authority.

The following email from Al MacNevin, Mayor, NEMI, dated June 19, 2015, sent to K. Noland with the business case attached was read and tabled:

'I am enclosing a copy of the business case that the Town of Northeastern Manitoulin and the Islands has submitted to Lynn Buckham at the Ministry of Municipal Affairs and Housing. It is my understanding that the Planning Board wished to submit comments to the MMAH regarding our request to form our own planning authority.

The matter is now being dealt with by the Ministry and our municipality is looking forward to their response. Should you have any questions, or require more information about the process, please feel free to contact me. I would be more than happy to clarify our position. Our Planning Board Representative, Melissa Peters, has some knowledge of the details of our request to form our own planning authority but she is not directly involved in the discussions. Accordingly, any questions or concerns that your Board might have regarding this matter should be directed to me or the MMAH staff.'

The Secretary-Treasurer informed the Board that the MMAH had advised they would be requesting additional information from NEMI and Planning Board. It was recommended that the Board delay a submission regarding the Business Case until all additional information requested by MMAH has been provided and therefore permitting one concise response.

It is anticipated that all information will be received and a draft submission to MMAH will be available for review by the Board at the July Board Meeting.

- ii) GIS Update - Layer for MDS and Aggregate

The Board were advised that Jake Diebolt, GIS Technician, has prepared a data layer that will identify Minimum Distance Setbacks for agricultural or aggregate related uses that have been calculated for applications and may be referred to by the Municipalities and Building Officials.

- iii) Manitoulin West Recorder - June 5/15 Edition  
- Letter to the Editor

The Letter to the Editor has been placed on the agenda to provide an explanation for the current Board Members. Only two Board Members remain on the Board that were involved with the consideration of the subject applications from 2001 to 2004 and 2009. The Board Members were provided with a copy of the following information:

- ▶ Application File No. B26-01 - accepted June 2001 - considered during Board Meetings held on July 24/01, September 25/01, March 26/02 and March 30/04
- ▶ Application deferred to provide additional time to resolve drainage issues, which included legal advice and a drainage report from Northland Engineering prepared for the Town of Gore Bay with options for corrective measures that the Town were not prepared to complete at that time due to the high costs associated;
- ▶ Application File No., B26-01, in consideration of Policy F-15.4, was refused on March 30, 2004;

Policy F-15.4 states:

'If a public agency or the Council of a Local Municipality or the Minister, in the case of an Unorganized Township advises the Planning Board that an application for a consent may have an adverse affect upon the Planning Area and if the Planning Board cannot satisfy itself that approval of the application would be appropriate, such application shall not be recommended for approval.'

5. GENERAL, REGULAR AND NEW BUSINESS

- a) General Up-date by Secretary-Treasurer
  - iii) Manitoulin West Recorder - June 5/15 Edition  
- Letter to the Editor - Continued

- ▶ Application File No. B31-09 was submitted in August 2009 for the same proposal;
- ▶ Application was approved on August 25, 2009 with the support of the Town of Gore Bay who were satisfied the drainage concerns had been resolved;
- ▶ Application File No. B31-09 was approved with the following condition:

'Written confirmation from the Town of Gore Bay that appropriate actions have been taken, i.e. the filing of an application for a building permit or removal of the garage, which will provide for compliance to Zoning By-law No. 81-19.'

An application for a building permit was made, which fulfilled the condition, and permitted the certification of the transfer. However, the applicant never did construct the residence, therefore, the property, which contains a garage only, is, to date, not in compliance with the Zoning By-law.

- ▶ The lots on the West Bluff of Gore Bay on Fraser Street were not created as the result of any planning related applications approved by the Manitoulin Planning Board. These lots are original townplot lots, considered to be lots of record, which Mr. Johnston was advised of by letter dated September 8, 2010.
- ▶ Development within an industrial area, such as properties containing fuel storage and distribution, must meet environmental guidelines established by the Ministry of the Environment which differs from your local service station;
- ▶ Properties previously occupied by a local gasoline service station must also meet environmental guidelines. When a land use change is proposed to a more sensitive use, i.e. residential, a clear Record of Site Condition is required, which would most likely be determined by an Environmental Assessment. This was not likely a requirement when the Service Ontario Building was built (unknown date).
- ▶ The absence of sidewalks was identified as a safety issue for residential uses mixed with industrial uses.
- ▶ It is the responsibility of Planning Board to be satisfied that any development conforms to policies of the Official Plan, Provincial Policy Statements and the Planning Act and Environmental Guidelines.

iv) Municipal Requisitions

The Secretary-Treasurer advised that all final requisitions, saving two, have been received. The Clerks for the two outstanding requisitions have been sent reminders and they have advised the cheques are in the mail.

b) Planning Administration Funding - Agreement

The Secretary-Treasurer advised that the allocation process for Planning Board Funding from the Ministry of Municipal Affairs and Housing (MMAH) requires Planning Board to execute a legal agreement with MMAH which summarizes the terms, conditions and reporting requirements in relation to the grant.

To do this MMAH also requires that the Board adopt an appropriate resolution authorizing the execution of the legal agreement.

MOTION

It was moved by D. Osborne and seconded by R. Stephens that the Manitoulin Planning Board does hereby authorize the Chairman and the Secretary-Treasurer to execute the funding agreement for the allocation of \$16,073.00 to the Manitoulin Planning Board.  
- Carried Unanimously.

It was noted that this funding, which is provided for the delivery of planning services in the unincorporated area of the Planning Board, has remained the same for several years.

5. GENERAL, REGULAR AND NEW BUSINESS

c) Conveyance of Land or Cash-in-lieu - Condition of Consent Applications

This topic was placed on the agenda for information and discussion. The Secretary-Treasurer gave a brief explanation of requirements under the Planning Act, with references to the following sections.

Section 42 of the Planning Act states, in part:

*Conveyance of land for park purposes*

*42. (1) As a condition of development or redevelopment of land, the council of a local municipality may, by by-law applicable to the whole municipality or to any defined area or areas thereof, require that land in an amount not exceeding, in the case of land proposed for development or redevelopment for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land be conveyed to the municipality for park or other public recreational purposes. R.S.O. 1990, c. P.13, s. 42 (1).*

*Use and sale of land*

*(5) Land conveyed to a municipality under this section shall be used for park or other public recreational purposes, but may be sold at any time. R.S.O. 1990, c. P.13, s. 42 (5).*

*Payment instead of conveyance*

*(6) The council of a local municipality may require the payment of money to the value of the land otherwise required to be conveyed under this section in lieu of the conveyance. 2006, c. 23, s. 17 (1)*

Section 53 of the Planning Act states, in part:

*Parks*

*53. (13) If, on the giving of a provisional consent, land is required to be conveyed to a municipality for park or other public recreational purposes and the council of the municipality requires the payment of money to the value of the land in lieu of the conveyance, for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given. 1994, c. 23, s. 32.*

Section 43(1) states that a Municipality must have an approved by-law to require cash-in-lieu or land for consent applications. The Planning Act under Section 51.1 provides for the conveyances for Plans of Subdivisions.

The Municipality of Gordon/Barrie Island, under By-law No. 2009-06, and the Town of Gore Bay, under By-law No. 93-13, currently require for this provision for any applications for consent beyond two (2) lots.

L. Hayden, Board Member for the Municipality of Gordon/Barrie Island, inquired why the other Municipalities did not apply this provision for consent applications. There appeared to be some general interest in reviewing this topic further.

The Municipality of Gordon/Barrie Island propose to review their current by-law and it was noted that the Town of Gore Bay may be interested in reviewing By-law No. 93-13 (approved in 1993). The sections of the Planning Act referred to in this by-law have changed.

It was the general consensus that the Secretary-Treasurer would assist the Municipality of Gordon/Barrie Island in reviewing their by-law and the other Board Members would determine the interest of their Municipalities.

6. OFFICIAL PLAN REVIEW

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

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 anticipated they will be available for the July Board Meeting.

6. OFFICIAL PLAN REVIEW - Continued

- Carter Bay

The Secretary-Treasurer advised that a conceptual plan for a Plan of Subdivision within the Carter Bay area, being the shoreline of Lots 11 to 24, Conc. 15 to 18, Township of Carnarvon had been received and it was displayed. This proposal is for an estimated 168 shoreline lots and 64 back lots and is intended to replace the existing multiple lot checkerboard plan that has existed and was created prior to subdivision control.

Mr. Pellerin, who has an offer to purchase for the subject lands, and Mr. Keatley, O.L.S., were in attendance. Mr. Keatley gave a presentation of the proposed development including:

- ▶ the number of lots proposed within the 11 km. of shoreline;
- ▶ parkland and greenspace areas;
- ▶ drainage;
- ▶ identified the west end of the subject property has less private owners to acquire and consolidate existing checkerboard properties;
- ▶ identified the Timber Bay Road currently travelling;
- ▶ this property does not include the 'sand dunes' which is a planned protected area;
- ▶ deer yards to be protected; and
- ▶ back lot development with access corridors to the shoreline.

There was a general question/answer with Mr. Pellerin and Mr. Keatley.

The Secretary-Treasurer stated that Mr. Pellerin has engaged exp Services to proceed with a development plan and studies as required. Mr. Pellerin was requesting the support of the Board to have the subject land for the proposed Plan of Subdivision to be considered and appropriately designated in the draft Official Plan.

It was the general consensus of the Board that the development proposal is supported and subject to a reasonable time frame and the completion of all required studies satisfactory to the Ministry of Municipal Affairs and Housing that the draft Official Plan could be appropriately amended.

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 application for Consent considered at this meeting.

		<u>Moved By</u>	<u>Seconded By</u>
1.	B25-15 and B26-15 M. L. Wiman and Est. Of M.B. VanZant	L. Hayden	E. Russell
2.	B27-15 K. & H. Hutchinson	A. H. Hunt	M. Peters
3.	B28-15 H. Hutchinson	M. Peters	E. Russell
4.	B29-15 Coker & Redfern	R. Stephens	A. H. Hunt

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

**Application File No's.:**  B25-15 and B26-15  **No. of Members Present:**  7

**Date of Decision:**  June 23, 2015

**Location of Property:**  Lot 6, Part Lot 7, and Lot 8, Conc. IV, Township of Bidwell,   
 Municipality of Assiginack, District of Manitoulin

### DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Mary Lou Wiman is to provide for the creation of two new lots to settle an estate.

File No. B25-15 proposes to sever Lot 8, Conc. IV, an originally surveyed  $\pm 40$  Hec. township lot, having a frontage of  $\pm 402$  M. on Bidwell Road, a maintained municipal road, and a depth of  $\pm 1,005$  M. There are no structures on this land.

File No. B26-15 proposes to sever the north half of Lot 7, Conc. IV, having a frontage of  $\pm 402$  M. on Bidwell Road, a maintained municipal road, and a depth of  $\pm 502$  M., thereby containing an area of  $\pm 20$  Hec. According to the application there is an old structure/milk house located on this land.

The land to be retained consists of Lot 6, Conc. IV, having a frontage of  $\pm 1,407$  M. on Bidwell Road, a maintained municipal road, and a depth of  $\pm 1,005$  M., thereby containing an area of  $\pm 40$  Hec. There are no structures on this land.

Services will consist of private wells and private individual septic systems when required.

Access is via Bidwell Road, a maintained municipal road. It would appear that Bidwell Road may encroach on the north east corner of Lot 6, Conc. IV, the lot proposed to be retained.

The subject land has been designated Rural District and zoned Rural (R) and Conservation (02). Pasture/hunting uses are proposed to continue.

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

There is a Deer Wintering Habitat located within the subject land. Both the  $\pm 20$  Hec. ( $\pm 50$  acre) and  $\pm 40$  Hec. (100 acre) severances are considered to have little or no impact.

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

There is a municipal drain traversing Lot 8, Conc. IV, therefore Section 65 of the Drainage Act does apply, and a reassessment may be required.

This application was circulated on May 28<sup>th</sup>, 2015 to the Municipality of Assiginack 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 Assiginack advised they have no concerns and advised by Resolution No. 197-12-15:

'BE IT RESOLVED THAT the Council of the Corporation of the Township of Assiginack authorizes staff to inform the Manitoulin Planning Board that we have no objections or concerns to Consent File No's. B25-15 and B26-15, subject to the application submitted.'

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

Application File No's. B25-15 and B26-15 - continued  
June 23, 2015

- 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;  
**or**  
a boundary line survey identifying the new lot lines resulting from the severance(s); and  
a written verification from the Land Registrar confirming the description is acceptable for registration by the Land Registry Office in Gore Bay, Ontario;
- ii) 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;
- iii) a written confirmation from the Municipality that any reassessment required for the subject lands, as required by Section 65 of the Drainage Act, has been completed by the landowner 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.

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



**Application File No.:** B27-15 **No. of Members Present:** 7

**Date of Decision:** June 23, 2015

**Location of Property:** Part Lot 20, Conc. XII, Being Part 5, Plan 31R-2392, Township of Howland, 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 Kevin and Heather Hutchinson is to provide for a lot addition, to nullify a previous consent, File No. B48-92, having a width and depth of  $\pm 0.3$  M. ( $\pm 1.0$  Ft.), thereby containing an area of  $\pm 0.09$  Sq. M. ( $\pm 1.0$  Sq. Ft.) which is to be added to an existing lot, surveyed as Part 1, Plan 31R-2396, owned by Heather Hutchinson, having a frontage of  $\pm 88$  M. ( $\pm 290$  Ft.) on the North Channel of Lake Huron, and an average depth of  $\pm 100$  M. ( $\pm 329$  Ft.), thereby containing an area of  $\pm 0.8$  Hec. ( $\pm 2.0$  Acres).

The land to be retained, being the remainder of Part 5, Plan 31R-2392, containing the applicants' dwelling and garage, has a frontage of  $\pm 46$  M. ( $\pm 151$  Ft.) on the North Channel of Lake Huron, and an average depth of  $\pm 99.8$  M. ( $\pm 327.7$  Ft.), thereby containing an area of  $\pm 0.46$  Hec. ( $\pm 1.13$  Acres). The subject land is together with right-of-way for access over Parts 2, 3 and 4, Plan 31R-2392.

There have been five (5) previous applications for consent.

File No. B47-92 provided for right-of-way, surveyed as Part 4, Plan 31R-2392, in favour of the lots created by Consent File No. B48-92;

File No. B48-92 provided for the creation of three new lots, surveyed as Parts 5, 6, and 7, Plan 31R-2392 and one lot addition, triangular in shape, surveyed as Parts 1, 3 & 8, Plan 31R-2392 to Harbour View Marina;

File No. B29-94 provided for a lot addition, surveyed as Part 2, Plan 31R-2599 which was added to an existing lot, surveyed as Part 1, Plan 31R-2599;

File No. B13-10 provided for the creation of a new lot, surveyed as Part 1, Plan 31R-2396; and

File No. B09-12 provided for the creation of a new lot, surveyed as Part 1, Plan 31R-3882.

Simultaneous Consent File No. B28-15, proposes a lot addition from Part 1, Plan 31R-2396 together with the lot addition proposed by this application, to Part 5, Plan 31R-2392.

Access to the subject land is from Loon Trail an existing private right-of-way, surveyed as Parts 2, 3 and 4, Plan 31R-2392, to Ferguson's Road, a maintained municipal road.

There are no new services required as a result of this application for a lot addition.

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

The subject land has been designated Rural District and zoned Rural (R).

This proposal is considered to be in conformity with the Provincial Policy Statement 2014.

This application was circulated on June 03, 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 Municipality advised by Resolution No.: 146-06-15:

*'RESOLVED THAT the Council of the Corporation of the Town of Northeastern Manitoulin and the Islands has No Comment or Concern with the application for consent as applied for by Kevin and Heather Hutchinson file #B27-15 and B28-15.....carried'*

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.

Application File No: B27-15 - continued  
June 23<sup>rd</sup>, 2015

**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) given conditional approval, 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, Part 1, Plan 31R-2396, excepting lands to be transferred as per File No. B28-15, at the time of registration of the Transfer and a copy of the resulting Transfer will be provided to the Manitoulin Planning Board;
- iii) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- iv) 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:** Any shoreline improvements shall be done only with the consultation of The Ministry of Natural Resources and Forestry (MNR) and the Municipality.

**Note:** Consent File No. B27-15 must be completed prior to Simultaneous Consent File No. B28-15.

Application File No.: B28-15 No. of Members Present: 7

Date of Decision: June 23, 2015

Location of Property: Part Lot 20, Conc. XII, Being Part 1, Plan 31R-2396, Township of Howland, 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 Heather Hutchinson is to provide for a lot addition, having a frontage of  $\pm 17.4$  M. ( $\pm 57$  Ft.), on the North Channel of Lake Huron and a depth of  $\pm 100$  M. ( $\pm 329$  Ft.), thereby containing an area of  $\pm 0.16$  Hec. ( $\pm 0.4$  Acres), which is to be added to an existing lot, owned by Heather and Kevin Hutchinson, containing a dwelling and garage, surveyed as Part 5, Plan 31R-2392, having a frontage of  $\pm 45.7$  M ( $\pm 151$  Ft.) on the North Channel of Lake Huron, and an average depth of  $\pm 100$  M. ( $\pm 327.7$  Ft.), thereby containing an area of  $\pm 0.46$  Hec. ( $\pm 1.13$  Acres). This lot addition will result in a lot having a total frontage of  $\pm 63.4$  M. ( $\pm 208$  Ft.) on the North Channel of Lake Huron, and an average depth of  $\pm 100$  M. ( $\pm 327.7$  Ft.), thereby containing a total area of  $\pm 0.6$  Hec. ( $\pm 1.53$  Acres).

The land to be retained, being the remainder of Part 1, Plan 31R-2396, has a frontage of  $\pm 73$  M. ( $\pm 240$  Ft.) on the North Channel of Lake Huron, and an average depth of  $\pm 100$  M. ( $\pm 329$  Ft.), thereby containing an area of  $\pm 0.8$  Hec. ( $\pm 2.0$  Acres). The subject land is together with right-of-way for access over Part 2, Plan 31R-2396 and Parts 2, 3 and 4, Plan 31R-2392.

There have been five (5) previous applications for consent.

File No. B47-92 provided for right-of-way, surveyed as Part 4, Plan 31R-2392, in favour of the lots created by Consent File No. B48-92;

File No. B48-92 provided for the creation of three new lots, surveyed as Parts 5, 6, and 7, Plan 31R-2392 and one lot addition, triangular in shape, surveyed as Parts 1, 3 & 8, Plan 31R-2392 to Harbour View Marina;

File No. B29-94 provided for a lot addition, surveyed as Part 2, Plan 31R-2599 which was added to an existing lot, surveyed as Part 1, Plan 31R-2599;

File No. B13-10 provided for the creation of a new lot, surveyed as Part 1, Plan 31R-2396; and

File No. B09-12 provided for the creation of a new lot, surveyed as Part 1, Plan 31R-3882.

Simultaneous Application File No. B27-15, proposes a lot addition from Part 5, Plan 31R-2392 to Part 1, Plan 31R-2396 to nullify previous consent File No. B48-92.

Access to the subject land is from Loon Trail an existing private right-of-way, surveyed as Part 2, Plan 31R-2396 and Parts 2, 3 & 4, Plan 31R-2392, to Ferguson's Road, a maintained municipal road.

There are no new services required as a result of this application for a lot addition.

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

The subject land has been designated Rural District and zoned Rural ( R).

This proposal is considered to be in conformity with the Provincial Policy Statement 2014.

This application was circulated on June 03, 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 Municipality advised by Resolution No.: 146-06-15:

*'RESOLVED THAT the Council of the Corporation of the Town of Northeastern Manitoulin and the Islands has No Comment or Concern with the application for consent as applied for by Kevin and Heather Hutchinson file #B27-15 and B28-15.....carried'*

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

It was explained to the Board that in other cases to nullify a consent, land has been conveyed to the Municipality for road improvements/widening etc. In this case, the access is via private right-of-way not a township road.

Application File No: B28-15 - continued  
June 23<sup>rd</sup>, 2015

During further consideration of this application it was determined that the  $\pm 0.3$  M. square lot addition (created by simultaneous consent File No. B27-15) should not be conveyed back to a lot that was previously created by consent (File B48-92). If it was conveyed back to the original lot (Part 5, Plan 31R-2392), the consent would not be nullified.

It is recommended to ensure that the previous consent granted for Part 5, Plan 31R-2392 is nullified, the  $\pm 0.3$  M. square must remain part of the southerly property, being Part 1, Plan 31R-2396. The  $\pm 0.3$  M. strip next to the right-of-way (known as Loon Trail) should be subject to right-of-way in favour of Part 5, Plan 31R-2396 and the addition proposed by this file.

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) and right-of-way. 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 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) and right-of-way, given conditional approval, to which the consent approval relates;
- ii) the lot addition proposed will not include the 0.3 M. strip next to the right-of-way, (Loon Trail). This 0.3 M. strip shall be subject to right-of-way in favour of Part 5, Plan 31R-2392 and the lot addition proposed;
- iii) an undertaking from a Solicitor stating that the severed parcel will be consolidated on title with Part 5, Plan 31R-2392, 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;
- 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.

Note: Any shoreline improvements shall be done only with the consultation of The Ministry of Natural Resources and Forestry (MNRF) and the Municipality.

Note: Simultaneous Consent File No. B27-15 must be completed prior to Consent File No. B28-15.

**Application File No.:** B29-15 **No. of Members Present:** 7

**Date of Decision:** June 23, 2015

**Location of Property:** Lots 6 & 7 and Part Lot 8, Conc. VIII, Township of Campbell,  
Municipality of Central Manitoulin, District of Manitoulin

### DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Jonathan Coker and Patricia Redfern is to provide for a technical severance of Lot 6, Conc. VIII, an originally surveyed ±40 Hec. township lot, having a frontage of ±402 M. on Learmont Road, a maintained municipal road, and a depth of ±1,005 M. There are no structures on this land.

The land to be retained consists of Lot 7, and the east half of Lot 8, Conc. VIII, having a frontage of ±604 M. on Learmont Road, a maintained municipal road, and a depth of ±1,005 M., thereby containing ±60 Hec. The applicants' dwelling, barn, and accessory structures are located on this land.

Services consist of private well and private individual septic system. Services will consist of private wells and private individual septic systems for the severed lands when required.

Access is via Learmont Road, a maintained municipal road.

The subject land has been designated Agricultural and Rural Districts and zoned Agricultural (A), Rural (R) and Conservation (02). The east half of Lot 8, Conc. VIII is identified as Prime Agricultural Land by the Ministry of Agriculture, Food and Rural Affairs. Agricultural/residential uses are proposed to continue for the retained land.

This proposal is considered to be in conformity with the Provincial Policy Statement 2014.

A livestock facility is located on the proposed retained land. The farm related structures meet the requirements of the Minimum Distance Separation as required by the Ministry of Agriculture Food and Rural Affairs.

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

There is a natural stream traversing Lots 7 and 8, Conc. VIII, the retained land, which is not considered a municipal drain by the Municipality. Therefore Section 65 of the Drainage Act does not apply and a reassessment is not required.

This application was circulated on June 4<sup>th</sup>, 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 advised they have no concerns.

There have been no inquiries or concerns received as a result of circulation to property owners within 60 metres or the 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), given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form.

Application File No. B29-15 - continued  
June 23<sup>rd</sup>, 2015

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;  
or  
a boundary line survey identifying the new lot line resulting from the severance(s);
- ii) 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;
- iii) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- iv) 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.

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The time now being 9:20 p.m. and all business before the Board having been dealt with, the Meeting was adjourned on a motion moved by A. H. Hunt.

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K. E. NOLAND, CHAIR

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E. L. CARTER, SECRETARY-TREASURER