



September 6, 2016

MINUTES OF PLANNING BOARD MEETING - August 30, 2016

At a Meeting of the Manitoulin Planning Board, held in the Board Room at the Planning Board Office, Gore Bay, Ontario, on August 30, 2016, the following Members of Planning Board were present:

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|----|------------|----|-------------|
| 1. | D. Osborne | 5. | K. Noland |
| 2. | P. Moffatt | 6. | R. Stephans |
| 3. | M. Peters | 7. | L. Hayden |
| 4. | A. H. Hunt | 8. | E. Russell |
| | | 9. | D. Head |

Regrets: I. Anderson
Absent: L. Addision

Also in attendance were:

Wendy Kaufman, Manager (A) and Matt Alexander, Planner,
Ministry of Municipal Affairs;
Murray Tann, agent, Applications for Consent, File No's. B09-16, B10-16 and B11-16;
Mark Zmijowskyj, Bill and Sue Rumble, Judy Kleven, Blair Quesnel, Richard and Linda
James and Bev and Alf Cowling, interested parties, Applications for Consent, File No's.
B09-16, B10-16 and B11-16; and
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 28, 2016. Board Member L. Hayden declared a conflict of interest with applications for consent, File No's. B07-16 and B08-16. There were no other conflicts declared.

1. ORDER OF BUSINESS

The Chair requested the agenda be revised to hear Applications for Consent, File No's B09-16, B10-16 and B11-16, after Item No. 3 on the agenda, thereby accommodating the attending interested parties. The following motion resulted:

MOTION

It was moved by A. H. Hunt and seconded by P. Moffatt that the Order of Business be adopted as amended. - Carried.

2. MINUTES OF PREVIOUS BOARD MEETING - June 28, 2016.

The Chair announced that the Minutes of the Board Meeting held June 28, 2016 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 L. Hayden and seconded by D. Head that the Minutes be adopted as circulated. - Carried

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING
- June 28, 2016

There was none.

3. VARIABLE EXPENDITURES

Board Member R. Stephans requested an explanation of the expenditure under Official Plan Expenses. There were no other questions of the variable expenditures as circulated.

MOTION

It was moved by D. Osborne and seconded by R. Stephans that the variable expenditures be accepted as presented. - Carried.

4. PRESENTATION OF APPLICATIONS FOR CONSENT

The Chair announced that Applications for Consent, File No's B09-16, B10-16 and B11-16, which had been deferred during the Board Meeting held on June 28, 2016, would now be heard, thereby accommodating the attending interested parties.

The parties interested in the foregoing listed applications vacated the meeting room following the Decision.

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. PRESENTATION FROM MINISTRY OF MUNICIPAL AFFAIRS
- Wendy Kaufman, Manager (A) and Matt Alexander, Planner

i) Re: Planning Authority for Town of Northeastern Manitoulin and the Islands
- the decision-making process and next steps

Ms. Kaufman provided a summary review of the considerations given to the request from the Town of Northeastern Manitoulin and the Islands (NEMI) to be granted planning authority, which has resulted in the letter from the Minister advising he will reluctantly consider redefining the planning area to exclude the Town.

It was noted that the Ministry support was due to issues remaining irreconcilable.

The Secretary-Treasurer expressed concern that the only known issues were the difference in opinion regarding conformity to the Official Plan, i.e. residential uses in an Industrial Designation. There has been continual reference to the issues, which the Board feel have never been disclosed for discussion or mediation.

Ms. Kaufman also responded to questions regarding examples of other Planning Boards and that there was a variance in the make up of all Boards.

There was discussion regarding transition, including transferring of file information/history, continuing maintenance of the geographic information system, monitoring planning decisions and the effects on the neighbouring planning authority and the associated costs.

Ms. Kaufman and Mr. Alexander advised that the Ministry would continue to monitor for conformity to Provincial Policies. The Chair expressed his concerns regarding past experiences when the Province relied on the Planning Board to assure conformity which required the appeal process with the Ontario Municipal Board.

Ms. Kaufman confirmed that the Ministry are meeting with NEMI in September to discuss the transition process.

ii) Special Business Case Funding for a Service Delivery Review

Discussion of this topic confirmed that the Ministry are prepared to review an application for full funding for this review.

6. PRESENTATION OF APPLICATIONS FOR CONSENT

The Chair announced that the remainder of 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.

Minutes of Board Meeting
August 30, 2016

7. GENERAL, REGULAR AND NEW BUSINESS

- a) General Up-date by Secretary-Treasurer
- i) 2016 Planning Authorities Technical Workshop - Sept. 28 & 29, 2016
 - ii) OACA Fall Seminar, Sept. 22 & 23, 2016

The Secretary-Treasurer explained that while attending the 2016 Planning Authorities Technical Workshop in Sudbury on September 28 and 29, 2016 was approved in the budget, the cost of this workshop may exceed the amount budgeted due to increase in registration as well as the addition of an extra half day to the workshop tailored to planning boards, which will require an additional night for accommodations and meals. Therefore, it is proposed that only Theresa Carlisle will attend this workshop.

Also, the Board were requested to consider approving the cost of Theresa Carlisle attending the OACA Fall Seminar to be held in Orangeville. The agenda topics for this seminar appear to be quite informative.

Discussion of this topic resulted in the following motion:

MOTION

It was moved by A. H. Hunt and seconded by P. Moffatt that Theresa Carlisle be authorized to attend both the Workshop in Sudbury and the Seminar in Orangeville.
- Carried.

- iii) Central Ontario Orthophotography Project (COOP) 2016

The latest update from the Ministry of Natural Resources and Forestry is that costs are still being calculated. However, the cost is estimated to be between \$3.49 and \$3.51 per sq km.

- iv) Bill 204 – Promoting Affordable Housing Act, 2016

The Board were advised that Bill 204, which had first reading on May 18, 2016, proposes to amend the Planning Act, the Development Charges Act, the Housing Services Act and the Residential Tenancies Act and is proposed to ensure better access to affordable and adequate housing. Bill 204 is to increase the supply of affordable housing through such tools as inclusionary zoning and modernize social housing by giving local service managers more flexibility in administrating and delivering programs.

- v) Final Requisitions

The Secretary-Treasurer advised that all final requisitions have been received from the partner Municipalities.

- b) Planning Administration Funding - Agreement

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

To do this MMA 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 E. Russell 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.

Minutes of Board Meeting
August 30, 2016

7. GENERAL, REGULAR AND NEW BUSINESS

c) Commissioner for Taking Affidavits - Appointment for J. Diebolt

The Secretary-Treasurer requested that the Board support an application to the Ministry of the Attorney General to have Jake Diebolt appointed as a Commissioner fo Taking Affidavits. The following motion resulted:

MOTION

It was moved by E. Russell and seconded by P. Moffatt that the Manitoulin Planning Board requests the Secretary-Treasurer to apply to the Ministry of the Attorney General to have Jake Diebolt, GIS Technician, appointed as a Commissioner for Taking Affidavits.
- Carried.

8. DRAFT MANITOULIN OFFICIAL PLAN - ADOPTING BY-LAWS - UPDATE

The Board were advised that the Official Plan, including the adopting by-laws from the Manitoulin Planning Board and the Municipalities of the Town of Gore Bay, Assiginack, Billings, Burpee and Mills, Central Manitoulin, Gordon/Barrie Island and Tehkummah had been forwarded to the Ministry of Municipal Affairs requesting approval. Matt Alexander, Planner, Ministry of Municipal Affairs, has confirmed verbally that he considers the application complete. Therefore, under the Planning Act, the Ministry has 180 days for a decision.

MOTION

It was moved by D. Osborne and seconded by R. Stephens that a Notice of Adoption be placed in the two local newspapers which would inform the public of the status of the Official Plan. - Carried.

9. CLOSED SESSION - Minutes of In Camera Session held June 28, 2016

The Chair requested the Board to go In Camera to review the Minutes of the In Camera session held during the Board Meeting of June 28, 2016.

MOTION

It was moved by D. Osborne and seconded by P. Moffatt that the Board go In Camera at 9:10 p.m. to review the Minutes of the In Camera Session held on June 28, 2016. - Carried.

MOTION

It was moved by A. Hunt and seconded by P. Moffatt that the Board rise from the In Camera session at 9:16 p.m. - Carried.

MOTION

It was moved by L. Hayden and seconded by E. Russell that the Minutes of the In Camera Session held on June 28, 2016 be adopted as circulated. - Carried.

PRESENTATION OF APPLICATIONS FOR CONSENT TO SEVER

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

- (a) to consider 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. L. Hayden declared a conflict of interest with Applications for Consent, File No's. B07-16 and B08-16 prior to the consideration and decision. There were no other conflicts declared.

PRESENTATION OF APPLICATIONS FOR CONSENT TO SEVER - Continued

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

	<u>Moved By</u>	<u>Seconded By</u>
1. B07-16 & B08-16 Austin & Barney	D. Head	R. Stephens
That, due to no additional information having been provided, these applications be adjourned. - Carried.		
2. B09-16, B10-16 & B11-16 Tann & 1662201 Ontario Ltd.	D. Osborne	D. Head
3. B12-16 J. T. Kennedy Jr. and the Estate of J. T. Kennedy Sr.	A. H. Hunt	R. Stephens
4. B13-16 M. A. M. Kewley	M. Peters	D. Head
5. B14-16 E., E. & M. Sagle	M. Peters	L. Hayden

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

The above motion applies to all applications excepting B07-16 and B08-16.

Minutes of Board Meeting
August 30, 2016

Application File No's.: B09-16, B10-16 and B11-16 **No. of Members Present:** 9

Date of Decision: (June 28, 2016 - Deferred) August 30, 2016

Location of Property: Part Lots 22 and 23, Conc. VII, surveyed as Parts 1 and 2, Plan 31R-3131, Township of Sandfield, Municipality of Central Manitoulin, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act, by Freida S.E. Tann and 1662201 Ontario Limited is to provide for the creation of three (3) new lots together with right-of-way for seasonal residential uses.

File No. B09-16 proposes a new lot, having a frontage of ± 89.9 M. on Big Lake and an average depth of ± 207.7 M., thereby containing an area of ± 1.6 Hec. This lot will be together with right-of-way, having a width of 20 M., to the unopened 6th concession road allowance.

File No. B10-16 proposes a new lot, having a frontage of ± 89.9 M. on Big Lake and an average depth of ± 243 M., thereby containing an area of ± 2.2 Hec. This lot will be together with right-of-way, having a width of 20 M., to the unopened 6th concession road allowance.

File No. B11-16 proposes a new lot, having a frontage of ± 89.9 M. on Big Lake and an average depth of ± 251 M., thereby containing an area of ± 2.2 Hec. This lot will be together with right-of-way, having a width of 20 M., to the unopened 6th concession road allowance.

The land to be retained has frontages of ± 271 M. on Big Lake, ± 435 M. on Young Street, a maintained municipal road, and ± 191.9 M. on the unopened 6th concession road allowance, and an irregular depth of ± 864 M., thereby containing an area of ± 15 Hec. This land will be subject to right-of-way in favour of the three proposed new lots.

There are no structures on the subject lands.

A Subdivision, Plan 31M-200, approved 8 lots in 1993 within Lots 22 and 23, Conc. VII.

There have been two previous application for consent.

File No. B56-93 created 4 new lots, within Block 9 of Subdivision Plan 31M-200 and Lot 22, Conc. VII, surveyed as Parts 1 to 12, Plan 31R-2572; and

File No. B59-01, created a new lot surveyed as Part 3, Plan 31R-3131 and retained Parts 1 & 2, Plan 31R-3131, being the land subject to this application.

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

The Sudbury and District Health Unit have advised they have no concerns as it appears that the proposed severed and retained lots are capable of development for installation of a septic tank and leaching bed system.

Access is proposed via right-of-way along the boundary line between Lots 22 and 23, Conc. VII and the unopened 6th concession road allowance to Homestead Road, a municipal seasonally maintained forced road, to Myles Side Road, a maintained municipal road. Accompanying the application is a Road Opening Agreement between the applicant and the Municipality to open the 6th concession road allowance.

From information available the subject proposal does not appear to have any species at risk (SAR) concerns.

There is an unevaluated wetland identified along the shoreline of Big Lake.

The PPS states in part, under Section 2.1 - Natural Heritage:

- 2.1.1 *Natural features and areas shall be protected for the long term.*
- 2.1.2 *The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and area, surface water features and ground water features.*
- 2.1.5 *development and site alteration shall not be permitted unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.'*

Minutes of Board Meeting
August 30, 2016

Application File No's. B09-16, B10-16 and B11-16 - continued
June 28, 2016

The subject land has been designated Shoreline Development and Rural Districts and zoned Shoreline Residential (SR), Rural (R), and Conservation (02). Seasonal residential uses are proposed.

Dwelling units and accessory buildings are not permitted uses in the Conservation (02) Zone. The boundary lines within the 02 zoning surround most water courses and are generally in place to identify land that may be prone to flooding. The boundaries are a general guideline and open to interpretation. An approved amendment may be required to rezone from Conservation (02) Zone to Shoreline Residential (SR) Zone if building sites are proposed within the 02 Zone.

This application was circulated on June 9th, 2016 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 have advised they have no concerns.

The following email was received from Roseann and James Follebout, on June 16, 2016:

'Hi Theresa, Manitoulin Planning Board,

I spoke with you by phone yesterday, 6-15 re: the above proposed lots to be dissected and sold. My husband and I own a cottage on Big Lake and are concerned about the effect/repercussions of extending these lots to sell and build upon and what it might have on the environment and especially the wildlife of the 3 lakes in the area, Big, Dace, and Pine Lakes. As you are aware this proposed area is a designated wetlands area. I am familiar with this area and for the months of April, May and sometimes June, if it is a wet spring, this is a very marshy area with sponge like ground because of the underground springs throughout that area and also the stream that greatly fingers out through that whole area. Probably not suitable to build on. I know that is the planning boards decision but we thought we would pass our comments along to you.

I spoke with Eric Cobb from the Ministry of National Resources and Forestry, who was a great help with information about the area as well. This area is designated as federal wetlands and there is an official lake plan that has been made up for Big lake. He said there should be an impact study done in order for any development to be done and ensure it complies with policy. Also it should be checked into to see if these three lakes are designated in a Natural Heritage Corridor. My question is have these things been done? Our great concern is for the wildlife that uses that area as a thoroughfare between lakes. The beaver families, otter and fishers, mink, all travel this area that is proposed and we are afraid they would be greatly restricted if not leaving them completely cut off from traveling between these lakes.

On Big Lake that proposed development site is the only open available place for wildlife to live in undisturbed peace, all the rest of the lakeshore is taken up by cottages. The loons, along with a great many waterfowl species all nest along that small site along that waterfront. Also, the bald eagle seen on the lake comes directly from that area so we are supposing it has a nest in that area also. We greatly love the lake and want to see it thrive. We are concerned with overcrowding on the lake and would hope you would take our comments into consideration and not allow development to take place on these proposed sites. Thank you for your time in this matter.'

The Ministry of Natural Resources and Forestry (MNR) were contacted regarding the concerns received from Mr. and Mrs. Follebout and the following reply email to Ms. Follebout was copied to Planning Board from Eric Cobb, District Planner:

'Good day Roseann:

I took a look at our natural heritage information that we have for the property where the creation of three lots is proposed. There are no known significant wildlife habitats, vegetation communities, or endangered/threatened species at risk records or habitats on or immediately adjacent to the property.

There is a wetland that covers part of the proposed new lots, but it has not been evaluated as provincially significant. I have attached a map with aerial imagery. Wetlands are depicted by light green, squiggly symbols.

The Official Plan (OP) for Manitoulin Island (final draft) does contain wetland policies, including those for unevaluated wetlands (UW). I have provided a scan of OP policy D.4.2 that outlines the constraints and requirements for building in or adjacent to a UW. The wetland of interest is identified in OP Schedule D6 (have to really zoom in thought). The OP and its schedules can be viewed on-line at <http://www.manitoulinplanning.ca>

Minutes of Board Meeting
August 30, 2016

Application File No's. B09-16, B10-16 and B11-16 - continued
June 28, 2016

E-Mail from MNRF - continued

'As discussed, confirmation of a bald eagle nest within 120 m of a proposed development on the new lots would trigger additional assessment requirements for evaluating potential impacts to significant wildlife habitat. If you have any further questions, please contact me.'

The following email was received from Jamie Conroy, on June 22, 2016:

'Dear Board Members:

Re: File No's: B09-16, B10-16, B11-16

Owners: Freida S. Term and 1682201 Ontario Ltd].

Location: Part Lot 22 and 23, Conc. VII Being Parts 1 and 2, Plan 31R-3131, Township of Sandfield, Municipality of Central Manitoulin

In regards to the above noted proposal for the creation of three (3) new seasonal residential lots. I would like to submit the following comments for consideration prior to the granting of any consent or approval.

It is quite obvious that the intent here is to create 3 lakeside lots that could be developed for cottage/residential purposes. While the lots are quite large and can afford sufficient land area to support residential building(s) it is the lake access that concerns me and the changes required to make the waterfront accessible.

As you can clearly see on the sketch map attached to the application there is a stream that flows from Dace Lake to Big Lake. In reality the stream never actually reaches Big Lake but rather creates a large wetland/swamp area and the excess water flows down into "sink holes" feeding the ground water table below. As you may be aware Big Lake is spring fed so you can understand the importance and relationship with the ground water table.

The stream does not flow year round and it is dependent on the weather conditions (i.e. dry summers) and the beaver activity of damming the water flow at the Homestead Road/Dace Lake junction. When flowing at "normal levels" the stream has depths of 1 to 2 feet and to provide an idea as to the volume of water that is flowing through, the current owners put in 4 culverts at the end of Young Street to allow for the water to flow through properly. initially perhaps the thought was to extend Young Street over these culverts as the access route for the 3 proposed lots, but the wetlands/swamp prevented this from being a viable option.

On Saturday, June 18th, I walked the proposed Road Allowance and the proposed Right-of-Way access, plus viewed the bush area for the three lots. it was apparent to me that the wetlands/swamp/stream is present at the front of all three lots and only the southern most lot, file B11-16, has some small frontage that is not impacted by the stream course. From the Road Allowance moving north towards Young Street the wetland area only broadens and expands outward to cover the entire front of both lots, files B10-16 and B09-16.

My concern is simple — without landscaping and/or backfilling the three pending lots are not viable for the purposes of using the lake frontage. What would the impact be to the environment, the wetlands and stream, and the Big Lake water eco-system if the creation of the lots is approved? Would the stream course be blocked in any way? Is there potential for covering of the "sink holes" causing possible flooding of Young Street and those residential properties? What are the implications for the ground water table

Before providing any type of consent, I suggest that it would be prudent to have an environmental assessment performed by qualified individuals to determine the impacts of this proposal. Rejection of this proposal or restrictions on the way the lots are developed may be required to protect and address environmental concerns.

I surmise it will be argued that there is no intent to disturb the natural environment, watercourse, and lake front with the creation of these three lots. However, I can only reiterate my opinion that the three lots are not viable as lakefront lots without some type of physical change occurring to the current landscape. I cannot support this proposal without some type of guarantee or assurance that there will be no adverse consequences to the natural environment and eco-water system. In conjunction with this letter, please accept this as my request to be notified of the Planning Board Decision on this Application for Consent.'

Minutes of Board Meeting
August 30, 2016

Application File No's. B09-16, B10-16 and B11-16 - continued
June 28, 2016

The following letter was received by fax, from Suzanne and Mark Zmijowskyj, on June 22nd, 2016:

' I am sending you this letter with regards to the notice we have received regarding an application for consent by the Planning Board, by Freida S. Tann.

We wish to make comments and have questions with regards to this application.

We are concerned about the application, as the area is adjacent to a federally designated wetland. Should not a proper evaluation study be done, to show what the possible impact would be to the environment, permitting further development to these lots? Any development done to this property, which could include bringing in fill, may disturb the waterfront, wetlands, eco-system, and the streams that run into the lake. We pride ourselves that Big Lake is a beautiful clear lake, with very good water quality. It is our understanding, through the Big Lake Association, that no more cottages were to be built, due to the size of the lake, that environmentally speaking, the lake cannot take on extra cottages. Is this correct information? These lots, are of substantial size, belonging to Freida Tann. We are located on Lot 445, on Young Street. As you know there is also a creek that is located at the end of the road. We received information that a small bridge was going to be built over the creek, to not disturb the creek and eco-systems. A culvert was placed in the creek. This creek also serves as a filter, and allows fresh clear water to flow into the lake. There are a natural springs. It is, in my opinion, essential to have this creek flow properly, to keep the clarity of the water. What if, in the future, for easier accessibility to these properties, this becomes opened, into a thorough fare road? As I am sure you are aware, this creek also floods into the adjacent property in the spring, when there is run off from the winter. These properties being so close to the wetland, will also flood into the adjacent properties.

There is also a 20 year plan proposed for this area. What does this plan include?

My husband and I have taken time off, to hopefully attend the public meeting that is scheduled on Tuesday, June 28, 2016 at 7:00 p.m.

Should you need to contact me, I will provide you with e-mail at szmijowskyj@sisudbury.com
Our home telephone number is 705-671-2872 in Sudbury.
Thank you.'

The three letters of concern were forwarded to Murray Tann, agent for the application.

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

Mark and Sue Zmijowskyj, Annette Conroy, and Murray Tann, were in attendance during consideration of the application.

Mr. Tann, agent for the application, presented photographs of four 2 foot culverts that have been installed south of the cul de sac on Young Street. He explained that there is a municipal drain along Lot 8, of Subdivision Plan 31M-200. He addressed issues contained in the letters of concern and explained that the proposal to create three lots for seasonal residential uses are not intended to cause any negative impact on the drainage, wetland, or the lakes and shorelines and wildlife.

In response to a discussion regarding what could be done to ensure that the proposed development would not impact any Natural Heritage features the Secretary-Treasurer explained that having the flood contours identified on a copy of the registered plan of survey would be a minimum to assist a building official to identify the low lying area and determine the area that should be considered to be within the Conservation Zone. There is no knowledge regarding 20 year lake plans or any development restriction on Big Lake.

Natural heritage features could be protected by the registering of a site plan control agreement between the landowner and the Municipality, which, without additional information, may need to be quite restrictive. However, it was also noted that an Environmental Assessment could be completed to determine if, in fact, there are natural heritage features to be protected and if a full Environmental Impact Statement (EIS) may be required.

Further discussion resulted in Mr. Tann requesting a deferral of his application to provide him an opportunity to review the options with the owners.

A motion was regularly moved, duly seconded and carried that this application be deferred in order to provide the applicants additional time to consider how they would like to proceed.

Minutes of Board Meeting
August 30, 2016

Application File No's. B09-16, B10-16 and B11-16 - continued

August 30, 2016

There were emails received from R. Follebout, S. Rumble, and R. James and one fax from R. Follebout with basically the same concerns raised at the Public Meeting held on June 28, 2016.

A Natural Heritage Features Assessment Report, by Tulloch Engineering, dated August 24, 2016 was received on August 29, 2016, which states in part:

4.1.3 Summary:

Based on the quality of the wetland habitat present in the subject area, the overall absence of fish habitat, the absence of unique or at risk flora and fauna and other sensitive environmental features, development of seasonal residential uses on upland areas adjacent to the floodplain and wetland area should not pose a negative impact to these natural features, assuming appropriate development setbacks and environmental considerations are made, and no physical alteration or disruption occurs in the wet meadow area or floodplain area. Development for access and residential purposes on upland portions of the property are not likely to adversely affect the biological or physical characteristics of wetland area.

The siting and development of private wells and private individual septic systems (septic tank and leaching bed system) at upland areas on each of the three (3) properties are also not anticipated to impact the functioning of the wet meadow wetland area, or Big Lake, provided suitable best management practices are applied during planning/construction.'

The complete Natural Heritage Features Assessment Report is attached to this Decision as Appendix A.

A copy of the Assessment Report was forwarded to R. Follebout, S. Rumble, R. James, J. Conroy, and Suzanne & Mark Zmijowskyj on August 29, 2016. Board members were also provided with a copy of the Assessment Report.

As a result, additional e-mails were received from S. Rumble, R. James, and J. Conroy, and one fax was received from R. Follebout.

All correspondence received was provided to the Board Members and will be kept in the file and made available, if required.

The Chair, Mr. Noland, explained that the Public Meeting for the application was held on June 28, 2016. He advised those in attendance that if anyone had any new information that had not been heard at the June meeting they could request to speak.

R. James requested to speak and presented information regarding water levels and phosphorous levels for Big lake. He explained that wetlands are becoming dry and this has negative effects to the animal and bird life in the area.

S. Rumble asked to speak. She stated that she had just recently been informed of the consent proposal and questioned if enough notification had been made regarding the application. She requested that the Board allow additional time to consider the information received to determine if Big Lake could support additional development.

Bev Cowing requested to speak and addressed concerns about the Assessment Report. She questioned the use of the proposed lots, access, zoning and also asked that an additional study be done at a different time of year.

Mr. Noland, Chair asked Mr. Tann if he would like to speak and if it would create a hardship to the applicants if the decision of the Board was deferred until their September board meeting. Mr. Tann said that he was satisfied with the report prepared by Tulloch Environmental and felt that it addressed the concerns raised. He felt that there were building sites available on the three proposed lots outside of the Conservation (02) Zoning and the wet area. He said he would like to proceed with the opening of the road allowance, and would prefer not to have the application deferred if possible.

The Secretary-Treasurer stated that during a site visit to the property in mid June, there was no water flow from Dace lake across Homestead Road to the subject land and the culverts at the end of Young Street were dry. Notice as required under the Planning Act had been given for the application, and the Public meeting was held on June 28th, 2016.

There was discussion regarding the Tulloch Assessment Report, the identification of the wet area, the size of the proposed three lots, building permits, Zoning By-law No. 2002-07 for the Municipality of Central Manitoulin and building restrictions within the Conservation (02) Zone.

Minutes of Board Meeting
August 30, 2016

Application File No's. B09-16, B10-16 and B11-16 - continued
August 30, 2016

Further to the correspondence received and discussion of the application, Mr. Noland, Chair, asked the Board Members if they required additional time to consider the Assessment Report or the new information. The general consensus of the Board was that they did not require any additional time or information.

In consideration of the comments provided by Eric Cobb, District Planner, MNRF and the Natural Heritage Features Assessment Report prepared by Tulloch Environmental, the Board considered they had adequate information to make a decision on this 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, 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) and right-of-way having a width of 20 metres, to which the consent approval relates;
- ii) confirmation that the access from the proposed severed land to Homestead Road, has been constructed to a standard for travel by emergency vehicles 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.

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

Note: Planning Board considers the maximum development by Consent on the subject lands has been reached.

(Appendix A - Separate Attachment to these Minutes)

Minutes of Board Meeting
August 30, 2016

Application File No.: B12-16 **No. of Members Present:** 9

Date of Decision: August 30, 2016

Location of Property: Part Lot 19, Conc. II, Being Parts 1 to 3, Plan 31R-690 Excepting Parts 6 & 7, and 8, Plan 31R-4012, Township of Allan, Municipality of Gordon/Barrie Island, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by John Thomas Kennedy Jr. and the estate of his father, John Thomas Kennedy Sr., is to provide for a lot addition being Pt. of Part 2, Plan 31R-690, having a frontage of ± 45 M. on Lake Kagawong and a depth of ± 17 M., thereby containing an area of ± 0.26 Hec., which is to be added to Lot 18, Conc. II, excepting Parts 1 to 4, Plan 31R-3534, having frontages of ± 233 M. and ± 405 M. on Lake Kagawong and an irregular depth, and containing ± 21 Hec. This lot addition will result in a lot, having frontages of ± 278 M. and ± 405 M. on Lake Kagawong, and an irregular depth, thereby containing a total area of ± 21.26 Hec. to be owned by Jennifer Kennedy, sister and daughter of the applicants. There are no structures on this land.

The land to be retained has a frontage of ± 402 M. on the non-maintained 2nd concession road allowance and an average depth of ± 862 M., thereby containing an area of ± 31.4 Hec. This land is together with right of way to Robertson Road, a maintained municipal road and is subject to right-of-way over Parts 9 thru 13, Plan 31R-4012. There is a large quonset building located west of the lot line between Lots 18 and 19.

There have been seven (7) previous applications for consent.

File No's. B76-07, B77-07 and B78-07 provided legal right-of-way in favour of Lots 18, 19 and 20, Conc. II and Lot 19, Conc. I.

File No's. B22-14 and B25-14 provided for right-of-way over Lots 18, and 19, Conc. II, in favour of two lots created by consent File No's B23-14 and B24-14, surveyed as Parts 6 & 7, and 8, Plan 31R-4012, being within Lot 19, Conc. II.

There was also an application, File No. 04-51C-78-564, approved by the Ministry of Housing, that provided for right-of-way over Part 3, Plan 31R-690 and Part 7, Plan 31R-692.

Access is via right-of-way over Lot 18, Conc. II, surveyed as Part 14, Plan 31R-4012 and Part 5, Plan 31R-3534, and Lots 16 and 17, Conc. III, surveyed as Parts 2 & 5, Plan 31R-354, Part 1, Plan 31R-3609 and Part 6, Plan 31R-1096 and confirmation by Instrument No's. T-12730 and T-34479 and declarations by John Prior and John Larsen dated 1978, over and along the private travelled roadway running north and south within Lot 16, Conc's. IV and V, known as McArthur Trail to the maintained Robertson Road.

Services will consist of a private well and private individual septic system when required.

The subject land has been designated Rural District and zoned Rural (R). Seasonal 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 in conformity with the Provincial Policy Statement (PPS) 2014.

This application was circulated on July 26, 2016 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.

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.

The Municipality advised they have no concerns.

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

Minutes of Board Meeting
August 30, 2016

Application File No. B12-16 - continued
August 30, 2016

- 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 will be consolidated on title with the benefiting lands at the time of registration of the Transfer, and a copy of the resulting Transfer, and the new resulting Property Identification Number (PIN) 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 (MNRF) and the Municipality.

Minutes of Board Meeting
August 30, 2016

Application File No.: B13-16 **No. of Members Present:** 9

Date of Decision: August 30, 2016

Location of Property: Part Park Lot 6, S/S Wilson Street, Surveyed as Part 1, Plan 31R-3800, Townplot 2 of Shaftesbury, 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 Margaret Anne Marie Kewley is to provide for the creation of a new lot being the westerly part of Part 1, Plan 31R-3800, having a frontage of ± 50.5 M. on Hayward Street, a maintained municipal street and a depth of ± 152 M., thereby containing an area of ± 0.77 Hec. There are no structures on this proposed new lot.

The land to be retained, being the easterly part of Part 1, Plan 31R-3800, has a frontage of ± 33 M. on Wilson Street, a maintained municipal street and a width of ± 47.7 M., and depth of ± 50 M., thereby containing an area of $\pm 2,385$ Sq. M. The applicant's dwelling is located on this land.

There has been a previous application for consent, File No. B37-10, which created a new lot, surveyed as Parts 2, 3 & 4, Plan 31R-3800 and retained the land subject, being Part 1, Plan 31R-3800.

Services consist of municipal water and sewers.

Access is available from Hayward Street, a maintained municipal street, for the severed land, and from the Wilson Street Extension, surveyed as Part 1, Plan 31R-3990, a maintained municipal street, for the retained land.

The subject land has been designated Residential Policy Area and zoned Residential (R1).

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 2014.

This application was circulated on August 03, 2016, 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 have advised this property will require new municipal service hook-ups. However, they recommend consent be given with no specific conditions.

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

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;

Minutes of Board Meeting
August 30, 2016

Application File No. B13-16 - continued
August 30, 2016

- iii) proof satisfactory to Planning Board that the minimum yard requirements resulting from the new lot lines conform to Zoning By-law No. 2002-31 i.e. written verification from the Ontario Land Surveyor;
- 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.

Minutes of Board Meeting
August 30, 2016

Application File No.: B14-16 **No. of Members Present:** 9

Date of Decision: August 30, 2016

Location of Property: Part Lot 8, Conc. XV, including Part 1, Plan 31R-3984 and Part 4,
 Plan 31R-1556, PIN 47131-0214, Township of Assiginack, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Elwood, Eddy and Merlin Sagle is to provide for right-of-way over Lonesome Pine Trail, an existing travelled private road, surveyed as Part 4, Plan 31R-1556, having a width of ± 20 M. (except where it passes the existing structures). This right-of-way is proposed to be in favour of land surveyed as Parts 1 & 2, Plan 31R-2240, owned by Jean Bennison, which according to the application is required to rectify the lack of right-of-way in Ms. Bennison's land transfer description.

The land to be retained, has frontages of ± 402 M. on Slash Road, a maintained municipal road, and ± 135 M. on South Bay of Lake Huron, and an irregular depth, thereby containing an area of ± 40.4 Hec. According to the application there is a dwelling, a hunt camp, a sugar camp, an accessory shed and several barns located on this land.

There has been a previous application for consent, File No. B21-14, which provided for right-of-way over Lonesome Pine trail, in favour of Part 3, Plan 31R-1556.

There have also been two (2) previous applications for consent involving the subject land, by Lealand Sagle, the previous owner.

File No. B76-85 provided for the creation of a new lot, surveyed as Parts 1 and 2, Plan 31R-1556; and

File No. B138-90 proposed the creation of a new lot, however due to discrepancies of the measurements and details of the subject land, this application was refused.

The other shoreline development was prior to subdivision control, including the lot subject to this application.

Access is via Slash Road, a maintained township road and private right-of-way known as Lonesome Pine Trail. The right-of-way has a minimum width of 20 metres excepting the north part of Part 4, Plan 31R-1556 which has a width of ± 11.24 metres due to the location of the existing buildings.

Services consist of private well and private individual septic system. No new services are required as a result of this application for right-of-way.

The subject land has been designated Agricultural, Rural and Shoreline Development Districts, and zoned Agricultural (A), Rural (R), and Shoreline Residential (SR). The proposed application for right-of-way is considered to have little or no impact on existing agricultural uses.

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 in conformity with the Provincial Policy Statement (PPS) 2014.

This application was circulated on August 12th, 2016 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 advised they recommend consent be given.

There were no inquiries or concerns received as a result of circulation to property owners within 60 metres and/or the 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

Minutes of Board Meeting
August 30, 2016

Application File No.: B14-16 - continued
August 30, 2016

- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the right-of-way 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 right-of-way having a width of 20 metres, except the northerly portion due to building locations;
- ii) should any portion of a travelled road, which is maintained by the municipality, encroach on the subject land, that portion shall be surveyed and conveyed to the municipality satisfactory to the municipality;
- iii) written verification from the municipality that access along Lonesome Pine Trail to Slash Road has been constructed to a standard for travel by emergency vehicles satisfactory to the municipality;
- iv) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- v) proof satisfactory to Planning Board, that any 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.

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 D. Head.

K. E. NOLAND, CHAIR

E. L. CARTER, SECRETARY-TREASURER