



October 26, 2016

MINUTES OF PLANNING BOARD MEETING - October 25, 2016

At a Meeting of the Manitoulin Planning Board, held in the Board Room at the Planning Board Office, Gore Bay, Ontario, on October 25, 2016, the following Members of Planning Board were present:

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

Regrets: I. Anderson
Absent: L. Addison and D. Head

Also in attendance were:

R. Aeschlimann, agent, Application for Consent, File No. B17-16; 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 7:02 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 September 27, 2016. Board Member L. Hayden declared a conflict of interest with File No's. B07-16 and B08-16. There were no other conflicts declared.

1. ORDER OF BUSINESS

The Chair requested the adoption of the order of business with the addition of Item 6 a) vi) November Board Meeting. The following motion resulted:

MOTION

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

2. MINUTES OF PREVIOUS BOARD MEETING - September 27, 2016.

The Chair announced that the Minutes of the Board Meeting held September 27, 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 P. Moffatt and seconded by L. Hayden that the Minutes be adopted as circulated. - Carried

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING
- September 27, 2016

There was none.

3. VARIABLE EXPENDITURES

There were no questions of the variable expenditures as circulated.

MOTION

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

4. PRESENTATION OF APPLICATIONS FOR CONSENT

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

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

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5. PRESENTATION OF APPLICATION FOR AMENDMENT TO ZONING BY-LAW 96-01

File No.: 96ZBL-16-001
Owner: H. F. Scherrer
Location: Pt. Lot 3 and 4, E/S Water Street
Hamlet of Meldrum Bay
Township of Dawson
Proposal: To permit two retail stores and one eating establishment accessory to a residential use in a Hamlet Residential Zone.

A Zoning Amendment Application has been received from Frances Scherrer to permit three (3) existing structures to be used for retail purposes, accessory to a dwelling, in a Hamlet Residential (HR) Zone.

Ms. Scherrer has recently purchased the property, containing several structures and would like to convert three of the existing structures for retail uses, which is not a permitted use within the Hamlet Residential (HR) Zone.

The subject land is located east of the maintained Water Street and contains an area of ±27,685 Sq. Ft. (±0.6 Acres), and has been zoned Hamlet Residential (RH) by Zoning By-law No. 96-01. The past use has been residential and storage.

The applicant also owns the remainder of Lots 3 and 4, on the west side of Water Street and Lots 3 and 4, on the east side of McDonald Avenue, within Plan 46, Townplot of Meldrum Bay.

A Letter of Conformity, LC09/06, was issued to the previous owner on November 21, 2006 to reconstruct/replace a (40 ft. X 26 ft.) dwelling within the subject land. The proposed dwelling has not been built but Ms. Scherrer purchased the property in July 2016 and proposes to construct the dwelling, as previously proposed.

The subject land has Hamlet Residential uses to the north and south, and the property to the west is zoned Rural (R). Lake Huron is located to the east.

The applicant accesses her property from Water Street.

During discussion of the application with the applicant it was undetermined if she, or the Local Roads Board, or the Ministry of Transportation (MTO) owned Water Street. MTO was contacted to confirm ownership of the road.

Shawn Jemmett, Ministry of Transportation of Ontario (MTO,) provided the following comments on September 14, 2016:

'The underlying situation is very common in Northern Ontario. Paul Atkinson conveyed all his registered interests, including the road, to the new owner. The new owner is the registered owner of the road but not the vested owner. The vested owner (or true owner) of the road is the Crown.

MTO or the Crown, will not accept title to the road. It is not necessary. The Crown's interest is maintained by subsection 44(1) of the Land Titles Act which is expressly confirms that all registered titles remain subject to "public highways".

MTO does not need not want to be the registered owner of the land used by the road. Local roads are not MTO's roads. If you have any further questions please give me a call'

During a visit to the property on October 21, 2016 it was observed that the portion of Water Street abutting the subject land has recently been improved with a chip & tar treatment.

Servicing will consist of private individual sewage disposal system and water supply from Lake Huron.

Garbage disposal is available at the waste disposal site owned by the Ministry of Natural Resources and Forestry (MNR) and operated by the Dawson Citizens Improvement Association.

The subject land is designated Hamlet District. The subject land will remain designated as being within a Hamlet District and all Official Plan Policies applicable thereto will continue to apply.

5. PRESENTATION OF APPLICATION FOR AMENDMENT TO ZONING BY-LAW 96-01
File No.: 96ZBL-16-001 - Continued

The proposed use is considered to be consistent with the policies of the Official Plan, Section C-2.4 - Commercial Uses, and the overall development of the area, i.e. Policies C-2.4.1, C-2.4.3 and C-2.4.4 as follows:

- C-2.4.1 *The commercial uses envisioned in a Hamlet would include those establishments essentially engaged in the buying and selling of goods and services to serve, not only the local residents, but also the surrounding rural areas and the travelling public where appropriate. Such uses might include, but not be limited to, a grocery store, a hardware store, or other convenience retail stores, personal service shops, a hotel or motel, eating establishment, gift shops, automobile service station, tourist accommodation and accessory residential uses.'*
- C-2.4.3 *Adequate buffer planting shall be provided between any commercial area and any adjacent residential area. Such buffer planting may include provisions for grass strips and appropriate planting of trees and shrubs.*
- C-2.4.4 *Adequate automobile parking areas shall be established for the convenience of the people using such commercial area.'*

The subject land is zoned Hamlet Residential (HR) Zone.

Part I, Section 17 - Parking Requirements, of Zoning By-law No. 96-01, requires a minimum of seventeen (17) parking spaces for the proposed development. From information provided by the applicant, it appears that there is sufficient land within the subject property to provide the required parking spaces.

If approved, this proposal will amend Zoning By-law No. 96-01 and Despite Part III.1, Section 27.2, will permit:

- i) a maximum of two (2) commercial uses/retail stores for the purpose of buying and selling commodities or supplying services; and
- ii) one (1) eating establishment where food is offered for sale or sold to the public for immediate consumption therein and includes a restaurant, café, tea or lunch room, dairy bar, coffee shop or refreshment room or stand but does not include a boarding or lodging house,

accessory to a residential use, in a Hamlet Residential (HR) Zone, within the subject land.

Provincial Policy Statement (PPS) 2014, Section 1.1.6.1 states:

'On rural lands located in territory without municipal organization, the focus of development activity shall be related to the sustainable management or use of resources and resource-based recreational activities (including recreational dwellings).'

Policies expressed by the PPS encourage development which will promote the area economy.

Section 3 of the Planning Act requires that decisions affecting planning matters 'shall be consistent with' policy statements issued under the Act. Planning decisions for the Manitoulin Planning Area must be consistent with Policies of the PPS.

With approval of this proposed amendment, there does not appear to be any conflict or adverse impacts to policies expressed by the PPS 2014.

This application to amend Zoning By-law 96-01 was circulated on September 27, 2016 to the Township of Dawson Local Roads Board, Ontario Power Generation, Metis Nation of Ontario and the Rainbow District School Board and to all property owners within 120 metres as required by Ontario Regulation 545/06.

There have been no concerns or objections received from the agencies circulated.

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5. PRESENTATION OF APPLICATION FOR AMENDMENT TO ZONING BY-LAW 96-01
File No.: 96ZBL-16-001 - Continued

There was a visit to the office on October 13th, 2016 from Jean Knight, land owner of Part 6, Plan RR 69, to the north of the subject land, requesting additional information. She voiced concerns that the proposed development would add additional traffic and noise in the area and effect her peace and quiet. It was explained that any concerns she may have must be in writing. There have been no written concerns or objections received as a result of circulation to property owners within 120 metres and/or the posting of the notice.

The required Public Meeting was held on October 25, 2016 in the Board Room of the Manitoulin Planning Board. There was no one in attendance at the Public Meeting to speak on behalf of or in opposition to the application. There were no written submissions received.

There is a dolomite quarry located in the Township of Dawson providing employment in the area. The subject lands are located in proximity to a marina, which has received substantial funding from both the Federal and Provincial Government. Over the past 16 years approximately \$145,000 through federal grants have been obtained and put into the preservation of the history of the Mississauga Lighthouse and Heritage Park.

The proposed development would provide additional tourism related activities to the area.

Following consideration of policies of the Official Plan, Zoning By-law and the PPS 2014, and providing there are no extenuating circumstances or additional information to be considered, there would appear to be no expected adverse effects according to information available.

Therefore, based on the aforementioned analysis it is recommended the subject Application for Zoning By-law Amendment be approved.

The following By-law was read:

BY-LAW NO. 2016-01

Being a By-law of the Manitoulin Planning Board to amend By-law 96-01, the comprehensive Zoning By-law for the Townships of Dawson, Robinson, and Mills.

Whereas the Manitoulin Planning Board has been granted the authority by Ontario Regulation 159/96 deeming Ontario Regulation 672/81, a Minister's Zoning Order, to be and to always have been a By-law of the Manitoulin Planning Board under Section 34 of the Planning Act.

And Whereas the Manitoulin Planning Board has ensured that adequate information has been made available to the public and has held at least one (1) public meeting after due notice for the purpose of informing the public of this By-law.

And Whereas the Manitoulin Planning Board deems it desirable to amend Zoning By-law No. 96-01, as amended,

Now Therefore, the Manitoulin Planning Board enacts the following:

- (1) Despite Section 27.2, of Zoning By-law No. 96-01, permits:
 - i) a maximum of two (2) commercial uses/retail stores for the purpose of buying and selling commodities or supplying services; and
 - ii) one (1) eating establishment where food is offered for sale or sold to the public for immediate consumption therein and includes a restaurant, café, tea or lunch room, dairy bar, coffee shop or refreshment room or stand but does not include a boarding or lodging house,
accessory to a residential use in a Hamlet Residential (HR) Zone, within lands described in Subsection (2).
- (2) Subsection (1) applies to that parcel of land in the geographic Township of Dawson, in the District of Manitoulin, described as Part Lot 24, Conc. XI, being Part of Lots 3 and 4, East Side Water Street, Plan 46, as registered in the Land Registry Office for the Registry Division of Manitoulin (31).
- (3) That it is hereby certified that this amending By-law is in conformity with the Official Plan for the Manitoulin Planning Area.
- (4) Schedule "A" hereto attached shall be considered to be part of this By-law.
- (5) This By-law shall come into force and take effect on the date of its final reading subject to the expiration of the 20 day appeal period, provided in Section 34(19) of the Planning Act and subject to the approval of the Ontario Municipal Board where objections to this by-law are filed with the Secretary-Treasurer of Planning Board.

MOTION

It was moved by R. Stephens and seconded by E. Russell that this by-law be approved.
- Carried.

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6. GENERAL, REGULAR AND NEW BUSINESS

a) General Up-date by Secretary-Treasurer

i) Planning Authorities Technical Workshop - Sept. 28 & 29, 2016

Theresa Carlisle gave a brief outline of the full two day seminar, including 17 topics on the agenda and a walking tour of downtown Sudbury, which provided good networking opportunity and discussion about the 'Public Art Program' and how public art transforms a community.

All presentations have been copied onto a thumb drive for later review.

This workshop provided an opportunity to meet and network with many Ministry contacts.

ii) Planning Board Training - Sept. 30, 2016

Theresa Carlisle gave a brief summary of the Planning Board training session she attended at the Ministry of Municipal Affairs office on September 30th.

The Secretary-Treasurer advised that a copy of the training session slides will be provided to the Board Members. The Board were also advised that Wendy Kaufman, A Manager, Ministry of Municipal Affairs, has offered to attend a meeting of Planning Board to provide training on the duties of Planning Board.

iii) Ontario Association of Committees of Adjustment - Accreditation

The Board were advised that Theresa Carlisle has been granted the ACST designation (accredited secretary-treasurer) from the Ontario Association of Committees of Adjustment (OACA). This designation is granted when requirements have been fulfilled, i.e. completion of the Primer on Planning Course and attendance at a minimum number of OACA Conferences and Seminars.

iv) Central Ontario Orthophotography Project (COOP) 2016

The Board were advised that the contract had been signed and returned to the Ministry of Natural Resources and Forestry. At this time we are still waiting on the return of the signed documents and the related invoice.

v) Transition of Planning Authority
- Town of Northeastern Manitoulin and the Island

The Chair advised the Board that a Meeting had been arranged between the Executive Committee and staff to meet with Mr. MacNevin, Mr. Williamson and M. Peters following the Board Meeting.

vi) November Board Meeting

The Secretary-Treasurer requested the Board consider deferring the regular scheduled November Board Meeting to the 5th Tuesday of the month, being November 29, 2016, and unless required there would be scheduled meeting in December.

MOTION

It was moved by D. Osborne and seconded by L. Hayden that the November Board Meeting be held on November 29, 2016 at 7:00 p.m.
- Carried.

- b) OMB Appeal - Application for Consent File B09-16, B10-16 and B11-16
Owners: F. Tann and 1662201 Ontario Limited
Location: Part Lots 22 and 23, Conc. VII
Being Parts 1 and 2, Plan 31R-3131
Township of Sandfield
Municipality of Central Manitoulin
District of Manitoulin

The Secretary-Treasurer confirmed that the appeals filed for the subject applications has been withdrawn.

6. GENERAL, REGULAR AND NEW BUSINESS

c) Review of Ontario Municipal Board (OMB)

The Board were advised that there is a Public Town Hall Meeting to learn about the OMB's current role in the land use planning process, to provide your perspectives and to review and comment on changes the government is considering. This Meeting is being held in Sudbury Tuesday, November 8, 2016 with an open house from 5:00 pm to 6:00 pm followed by a town hall from 6:00 pm to 9:30 pm. RSVP is requested by November 4, 2016.

There is a public consultation document available at www.mah.gov.on.ca/Page15027.aspx

d) Ministry of Agriculture, Food and Rural Affairs (OMAFRA)
- Minimum Distance Separation (MDS) Update - Information Session

An invitation has been received from OMAFRA to participate in information sessions for the revised Minimum Distance Separation (MDS) Document and accompanying AgriSuite software. There will be webinars offered on November 14 and 16 and December 8, 2016. The new MDS software becomes available on November 1, 2016.

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. Board Member L. Hayden declared a conflict of interest with File No's. B07-16 and B08-16. There were no other conflicts declared.

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

	<u>Moved By</u>	<u>Seconded By</u>
1. B07-16 Austin & Barney	R. Stephens	D. Osborne
	That, due to no additional information having been provided, these applications be adjourned. - Carried.	
2. B08-16 J.C. and N.B. Austin	P. Moffatt	E. Russell
	That, due to no additional information having been provided, these applications be adjourned. - Carried.	
3. B17-16 H. McGauley	A. H. Hunt	P. Moffatt
	That this application be conditionally approved, subject to all conditions being fulfilled as stated in the Decision. - Carried.	
4. B18-16 J. R. & L. D. Ferguson	M. Peters	R. Stephens
	That this application be deferred to provide the Municipality additional time to provide comments. - Carried.	

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Application File No.: B17-16 **No. of Members Present:** 8

Date of Decision: October 25, 2016

Location of Property: Part Lot 8, Conc. II, Being Parts 1 and 2, Plan 31R-1257, Township of Tehkummah, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Heather McGauley is to provide for an easement for an underground hydro service located along the east boundary, within Part 1, Plan 31R-1257, having a minimum width of 3.0 M. and a length of ± 83 M, thereby containing an area of ± 250 Sq. M., in favour of the abutting property to the north, owned by Roland Aeschlimann.

The land to be retained has a frontage of ± 25.7 M. on Highway No. 542A, a provincially maintained highway, and a depth of ± 75.7 M., thereby containing an area of ± 0.25 Hec. The applicant's dwelling is located within this land.

There has been a previous application for consent, File No. B62-82, that created the subject land surveyed as Parts 1 and 2, Plan 31R-1257, which is subject to right-of-way over Part 2, Plan 31R-1257 in favour of property to the west owned by the United Church of Canada, containing a Church and cemetery.

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

Access is via Highway No. 542A, a provincially maintained highway.

The subject land has been designated Hamlet District and zoned Rural (R). Rural residential uses are proposed to continue.

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

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

This application was circulated on October 06, 2016 to the Township of Tehkummah 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 comments received as a result of circulation to property owners within 60 metres and/or the posting of the Notice.

The Municipality has advised that Council will not be reviewing this proposal until their meeting scheduled for November 01, 2016. However, the Clerk has completed the questionnaire and recommends consent be given with no specific conditions.

Board member, Eric Russell advised the Board that there would be no concerns with the application for underground hydro service.

Roland Aeschlimann, agent for the application was in attendance during consideration of the application. There was no one else 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 right-of-way given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form.

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Application File No. B17-16 - continued
October 25, 2016

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 easement having a minimum width of 3.0 M., to which the consent approval relates;
- ii) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- iii) 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.

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Application File No's.: B18-16 and B19-16 **No. of Members Present:** 8

Date of Decision: October 25, 2016 - Deferred

Location of Property: Part of Island T.P. 1977, AE 422, PCL 733, McGregor Bay of Lake Huron, 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 James R. and Linda D. Ferguson is to provide for the creation of two (2) new lots for seasonal residential uses.

File No. B18-16 proposes to create a new lot having frontages of ±107 M. and ±122 M. on McGregor Bay of Lake Huron and a depth of ±60 M., thereby containing an area of ±0.58 Hec.

File No. B19-16 proposes to create a new lot having a frontage of ±65 M. on McGregor Bay of Lake Huron and a depth of ±40 M., thereby containing an area of ±0.46 Hec.

There are no structures on the two new proposed lots.

The land to be retained has a frontage of ±245 M. on McGregor Bay of Lake Huron, an irregular depth, and containing an area of ±0.48 Hec. The applicants' seasonal dwelling is located within this land.

Water access is available from J & G Marina and Stillwater Marina at Birch Island, Ontario.

Services will consist of water from Lake Huron and private individual sewage disposal system.

The Sudbury and District Health Unit have advised that the proposed severed and retained lots appear to be capable of development for installation of a septic tank and leaching bed system.

The subject land has been designated Shoreline Development and Rural Districts and zoned Shoreline Residential (SR) and Hazard (HZ). Seasonal residential uses are proposed to continue.

During discussion of the application with Mr. Keatley, agent for the application, it was explained that part of the subject land appears to be zoned Hazard (HZ) and that an approved amendment may be required to Zoning By-law No. 2002-32 for the Corporation of the Town of Northeastern Manitoulin and the Islands rezoning from Hazard (HZ) Zone to Shoreline Residential (SR) Zone, which will then permit seasonal residential uses.

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

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

The application was circulated on October 11, 2016 to the Town of Northeastern Manitoulin and the Islands, the Whitefish River First Nation. There are no property owners within 400 metres. The Public Notice, as required by Ontario Regulation 197/96, was posted on the Island, and at J & G Marina & Still Water Marina, Birch Island, Ontario.

The Clerk for the Municipality advised, via email, on October 25, 2016, that Council has not seen the application and has not had the opportunity to make comments at this time. The application will be presented to Council at the next regularly scheduled meeting of November 01, 2016.

The Whitefish First Nation have not responded or requested additional time to do so.

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

During discussion of the application it was explained that the mapping used was established back in the 1980's and was delineated on the current Geographic Information System (GIS) mapping by applying the best information available. The Hazard (HZ) Zone identified on the mapping could be treated with discretion or corrected by the zoning amendment process which would clearly identify the land to be within a Shoreline Residential (SR) Zone.

A motion was moved, duly seconded and carried that this application be deferred to provide the Municipality additional time to provide comments.....carried.

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The time now being 8:05 p.m. and all business before the Board having been dealt with, the Meeting was adjourned on a motion moved by P. Moffatt.

K. E. NOLAND, CHAIR

E. L. CARTER, SECRETARY-TREASURER