



March 27, 2020

MINUTES of a SPECIAL MEETING of PLANNING BOARD - MARCH 26, 2020

During a teleconference meeting of the Manitoulin Planning Board held on Thursday, March 26<sup>th</sup>, 2020, the following Members of Planning Board participated:

- |    |             |    |             |
|----|-------------|----|-------------|
| 1. | L. Hayden   | 5. | D. Head     |
| 2. | K. Noland   | 6. | I. Anderson |
| 3. | E. Russell  | 7. | D. McDowell |
| 4. | R. Stephens | 8. | D. Osborne  |

Regrets: L. Addison  
Absent: R. Brown

Also present during the teleconference was:  
T. Sasvari, reporter, Manitoulin West Recorder.

There were no other interested parties or members of the general public or press that participated in the electronic meeting.

The Meeting was called to Order at 7:04 p.m. by Chair R. Stephens, who welcomed all present.

This Special Meeting via teleconference is to consider the agenda of the Regular Board Meeting that had been scheduled for Tuesday, March 24, 2020 at 7:00 p.m., which was considered adjourned due to a lack of a quorum.

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 February 25<sup>th</sup>, 2020.

There were no conflicts declared.

1. ORDER OF BUSINESS

The Chair requested the adoption of the order of business, and the following motion resulted:

MOTION

It was moved by I. Anderson and seconded by L. Hayden that the Order of Business be adopted, - Carried.

2. MINUTES OF PREVIOUS BOARD MEETING - February 25<sup>th</sup>, 2020

The Chair announced that the Minutes of the Board Meeting held on February 25<sup>th</sup>, 2020 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 K. Noland and seconded by E. Russell that the Minutes be adopted as circulated, - Carried.

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING  
- February 25<sup>th</sup>, 2020

There was none.

3. VARIABLE EXPENDITURES

There were no questions of the variable expenditures as circulated.

MOTION

It was moved by D. McDowell and seconded by D. Head that the variable expenditures be accepted as presented, - Carried.

4. PRESENTATION OF APPLICATIONS FOR CONSENT

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

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

5. GENERAL, REGULAR AND NEW BUSINESS

a) Lake Kagawong

The Secretary-Treasurer reported that on March 13<sup>th</sup>, 2020 she had requested an update from the Ministry of Municipal Affairs and Housing (MMAH) to the letter sent to them on October 25<sup>th</sup>, 2019, regarding Lake Kagawong. She had received a reply that the MMAH hope to have something for the board in the very near future but are unable to provide an exact date.

b) Provincial Policy Statement (PPS) 2020

Attached to the Board's Agenda was a letter, dated February 28, 2020, from the Ministry of Municipal Affairs and Housing (MMAH) regarding the release of the Provincial Policy Statement (PPS) 2020 with a website link to view to document. It will replace the current PPS 2014 and take effect on May 1<sup>st</sup>, 2020. Board Members will be provided with a copy of the document at a later Board Meeting.

c) Development Charge/Community Benefit Charge

The Association of Municipalities of Ontario (AMO) had provided Chair Stephens and Board Member K. Noland with a letter dated February 28, 2020 from the Ministry of Municipal Affairs and Housing (MMAH) regarding proposed legislation about '*Draft Community Benefit Charges and Development Charges*'. MMAH have posted a regulatory proposal on the Environmental Registry of Ontario for public comment. Attached to the Board's Agenda, for information purposes, was a summary of the proposed charges.

d) Workplace Violence & Harassment Policy Review

The Secretary-Treasurer informed the Board that this document, which was attached to the Board Agenda is to be reviewed once a year. There were no changes required to the Policy at this time. Discussion resulted in the following motion:

MOTION

It was moved by K. Noland and seconded by I. Anderson that the '*Workplace Violence & Harassment Policy*' has been reviewed and is accepted as is,  
- Carried.

e) April 28<sup>th</sup>, 2020 Board Meeting

The Secretary-Treasurer advised the Board that at the present time there are no applications ready for circulation for an April Board Meeting and due to the Corona virus (COVID-19) concerns she asked the Board to consider cancelling the April Board Meeting.

MOTION

It was moved by L. Hayden and seconded by I. Anderson that the Regular Board Meeting of April 28<sup>th</sup>, 2020 be cancelled unless there is urgent business and it is necessary for the Board to have a meeting,  
- Carried.

6. BUDGET REVIEW

a) Municipal Interim Requisitions

The Secretary-Treasurer reported that all municipal interim requisitions have been received with the exception of the Town of Gore Bay.

b) Comparison of Revenue and Expenditures and 2020 Draft Budget

The 2020 draft budget had been presented at the previous Board Meeting on February 25<sup>th</sup>, 2020. Board members were encouraged to review the budget and provide any feedback. The draft budget had been discussed among the Budget Committee who in accordance with committee appointments for 2020 consists of I. Anderson, K. Noland, and R. Stephens.

All questions and resulting discussion having been dealt with, a request from Chair Stephens for the adoption of the 2020 Draft Budget was made which resulted in the following motion:

MOTION

It was moved by D. Osborne and seconded by E. Russell that the 2020 Budget be approved as presented, in the amount of \$180,027.00 with a 2% increase in salaries,  
- Carried Unanimously.

6. c) Draft 2019 Financial Statements

The Draft Financial Statements for 2019, prepared by KPMG Chartered Accountants, had been sent to the Board members prior to the meeting for review.

The 2019 Financial Statements were presented by Mr. Diebolt. He explained that:

- there were some differences between the results of the draft financial statements and earlier estimates presented to the board that are a result of adjustments made by the accountants for proper accrual of some items and to correct some double counting done in previous years;
- wages and salaries are adjusted higher to account for unused Holiday time from 2019, and to account for a small amount of Employment Insurance (EI) underpayment for 2019;
- professional fees are adjusted higher to account for a portion of the auditor's fee accounted for across multiple years;
- office expenses were higher as there were some pre-paid expenses from 2017 that were double-counted in 2018, resulting in an adjustment to office expenses in 2019 to properly account for this; and
- a lower net surplus than anticipated in the original estimates presented earlier to the board resulted.

All questions and resulting discussion having been dealt with, a request from the Chair for the adoption of the 2019 Financial Statements resulted in the following motion.

MOTION

It was moved by K. Noland and seconded by I. Anderson that the 2019 Financial Statements as prepared by KPMG Chartered Accounts, and presented by J. Diebolt, be adopted as presented,  
- Carried unanimously.

Application File No. B06-20 No. of Members Present: 8  
Date of Decision: [March 24, 2020 -adjourned] March 26, 2020  
Location of Property: Part Lot 17 and Lot 18, Conc. VII, Township of Burpee, Municipality  
of Burpee-Mills, District of Manitoulin

### DECISION

The purpose of this application made under Section 53(1) of the Planning Act by David Turgeon and Richard Dupont is to provide for the technical severance ( $\pm 40$  Hec.) of Lot 18, Conc. VII as originally surveyed, having a frontage of  $\pm 402$  M. on Highway No. 540, a provincially maintained highway, and a depth of  $\pm 1,005$  M. This proposed new lot is to be conveyed to Mr. Dupont. There are three small structures located within this land.

The land to be retained, consisting of Part of Lot 17, Conc. VII has a frontage of  $\pm 199.3$  M. on Hwy 540, a provincially maintained highway, and a depth of  $\pm 1,005$  M., thereby containing an area of  $\pm 38.5$  Hec. There is a seasonal dwelling located within this land, which is permitted by building permit No. BM-07-15 issued on July 13, 2015.

The applicants have owned the subject property since 2013. They wish to own their own lot and dissolve joint ownership. The application is a resubmission of Consent File No. B14-18 which lapsed when conditions of consent approval were not fulfilled within one year, as required by the Planning Act.

The subject land has been designated Rural Area and zoned Rural ( R). There are no land use changes proposed at this time. Residential/recreational uses are proposed to continue. Services will consist of private individual septic systems and private wells when required.

Access is via Highway No. 540, a provincially maintained highway. As part of the preliminary review for Consent File No. B14-18, the following comments were received from Carla Riche, Corridor Management Planner, on December 20, 2017:

*'The Ministry of Transportation (MTO) has no objection to the proposal and MTO Entrance permits will be required to reflect any changes in land ownership. The proponent is required to work with MTO staff to determine access location to meet MTO sight line requirements.'*

Lise Taylor, Corridor Management Officer, MTO advised via Email on July 04, 2018:

*'I was on site last Thursday, June 28, 2018, to review access and offer the following:*

*- Lot 17 - There's an existing field entrance and the location meets sight lines. The new owner will need to apply for an entrance permit for the change of ownership; no charge for the permit.*

*- Lot 18 - There's an existing unauthorized access. The user is driving off the highway; no access at this location on Google Earth back in 2009. The owner will need to apply for an entrance permit for a new entrance; permit fee is \$230.00 and subject to change. Access to this lot is possible in accordance with ministry requirements. The unauthorized access is close to the lot line though; not sure if it's on lot 17 or 18. Exact location to be confirmed upon application for permit.'*

The MTO comments were provided to the applicants, Mr. Turgeon and Mr. Dupont. Lot 17, (proposed retained land) has an existing entrance, #17233 Hwy 540. Lot 18 does not appear to have a posted civic address number from Hwy No. 540.

A potential Wildland Fire Hazard was identified within the subject land.

The Provincial Policy Statement (PPS) 2014 states under Section 3.1.8:

*'Development shall generally be directed to area outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire.*

*Development may however be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards.'*

In discussion with Mr. Turgeon, agent for the application, it was recommended that a mitigation plan to reduce the intensity of a forest fire by thinning or removing trees and allowing it to be extinguished more easily be submitted to the Municipality at the time of any construction/building permits.

Application File No. B06-20  
March 24, 2020 - continued

Consultation with the Ministry of Natural Resources and Forestry (MNR) and mapping provided by MNR identified a sensitive alvar plant community on the property. MNR advised that future development activities may have implications on the Species at Risk species/habitat.

The Provincial Policy Statement (PPS) 2014 states under Section 2.1.7:

*'Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.'*

Mr. Turgeon was advised of the concerns with the sensitive plant and that there may be some restrictions on development and activities and if any new development is desired to avoid impacts to the species and its habitat. Satellite imagery mapping was provided to him identifying the potential area of concern.

Access is along existing private trails within the subject land which may cross an area considered sensitive. Continued access over these trails are unlikely to have further impacts on what may be sensitive sites. Due to the location and size of the proposed lot(s) and from information and satellite imagery available identifying areas of heavy tree cover, there appears to be sufficient land to provide building envelopes, site alteration, tree removal, and/or access routes, etc. with appropriate separation distances outside the area of influence that would conform to the Natural Heritage Policies of the Provincial Policy Statement 2014.

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

This application was circulated on March 5<sup>th</sup>, 2020 to the Municipality of Burpee-Mills, Bell Canada, 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 that they have no concerns with the application and recommend that Consent be granted. Previous comments for File No. B14-18 were that there were no concerns with the existing structures as they are smaller than required for a permit.

Jacqueline Moyle, Bell Canada, advised via email on March 12, 2020 that Bell Canada has no concerns with respect to the proposed application.

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

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

Due to the Corona virus (COVID-19) pandemic and social distancing concerns, there was not a quorum of the Board at the Planning Board Office, on Tuesday, March 24<sup>th</sup>, 2020 at 7:31 p.m.

The meeting stands adjourned as per Procedural By-law No. 2019-01, Section IV, Subsection 11. c) which states:

*' if no quorum is present one-half hour after the time appointed for the meeting, then the Secretary-Treasurer shall record the names of those members present and the meeting shall stand adjourned until the date of the next regular meeting, or until a Special Meeting is called.'*

#### **March 26<sup>th</sup>, 2020**

The Secretary-Treasurer read a Draft Decision to the Board Members who were participating via teleconference.

During consideration of the application it was asked if the entrance from Highway 540 had to be built for Lot 18 at this time. The Secretary-Treasurer said this was unclear and explained that when a permit for a change in ownership is requested by MTO they need to be satisfied there is a safe entrance and satisfactory to their conditions before they issue a permit.

Application File No. B06-20  
March 26, 2020 - continued

It was asked if the road(s) within the subject land was maintained by the municipality. The trails/access are private.

It was asked where in the municipality the subject land was located. The Board Member for the municipality of Burpee-Mills explained that it was near the old Burpee dump, which is the small lot located at the north west corner of Lot 17, Conc. VII.

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 identified 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 line(s) resulting from the severance(s);
- ii) a written confirmation from the Ministry of Transportation (MTO) that an access location from Highway 540 to Lot 18, Conc. VII, is satisfactory to the requirements of MTO;
- iii) a fee of \$125.00 for each Transfer of Land submitted for Certification; and
- iv) 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:** It is recommended that the Building Official, when issuing any building permits for the subject lands, be satisfied that the building site is outside the area of influence. A permit under the Endangered Species Act (ESA) may be required, if impacts to the species and habitat cannot be avoided during future development.

**Note:** Entrance permits from Highway 540 are required from the Ontario Ministry of Transportation (MTO) to reflect the change in ownership of the subject lands.

**Application File No.:** B07-20 **No. of Members Present:** 8  
**Date of Decision:** [March 24, 2020 - Adjourned] March 26, 2020  
**Location of Property:** West Half of Lot 1, West Side Phipps Street and Part Lot 2, West Side Phipps Street, Townplot of Gore Bay, District of Manitoulin

### **DECISION**

The purpose of this application made under Section 53(1) of the Planning Act by Anne M. Giffin is to provide for the creation of a new lot having a frontage of  $\pm 18.3$  M. on Phipps Street, a maintained municipal street, and a depth of  $\pm 53.3$  M., thereby containing an area of  $\pm 976$  Sq. M. The applicant's storage shed is located within this land.

The land to be retained has a frontage of  $\pm 26.8$  M. on Main Street, a maintained municipal street, and a depth of  $\pm 37.8$  M., thereby containing an area of  $\pm 1,011$  Sq. M. The applicant's dwelling, garage and woodshed are located within this land.

Access is from Phipps Street and Main Street, both maintained Municipal Streets.

The subject land has been designated as Residential Area and zoned Residential (R1). According to the application, there are no land use changes proposed at this time.

Services consist of municipal water and sewers for the retained land. Services will consist of municipal water and sewers for the severed land when required. The Municipality advised that when connections to municipal services are required for the proposed severed land, the Town will supervise and approve the work done by a contractor and the landowner will be responsible for the associated costs. Ms. Giffin was advised of the Municipal comments.

During the preliminary review of the application, the applicant was advised that the small storage shed located within the proposed severed land would not conform to the Zoning By-law No. 80-19 for Gore Bay and that a condition of the consent approval may be that the shed is removed or that a building permit for the construction of a dwelling has been issued to provide conformity to the Zoning By-law, satisfactory to the municipality. The applicant did not have any concerns with the shed being removed or relocated if necessary.

There is a stream identified running east/west through to northerly part of the proposed retained land. It would appear that there is a building envelope within the proposed severed land outside the area of influence. From information available the subject proposal does not appear to have any natural heritage features or species at risk (SAR) concerns.

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

This application was circulated on March 06, 2020 to the Town of Gore Bay, Bell Canada, 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 and recommend that Consent be granted.

Jacqueline Moyle, Bell Canada, advised via email on March 12, 2020 that Bell Canada has no concerns with respect to the proposed application.

There were 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.

Due to the Corona virus (COVID-19) pandemic and social distancing concerns, there was not a quorum of the Board at the Planning Board Office at 7:31 p.m. on Tuesday, March 24<sup>th</sup>, 2020.

The meeting therefore stands adjourned as per Procedural By-law No. 2019-01, Section IV, Subsection 11. c) which states:

*' if no quorum is present one-half hour after the time appointed for the meeting, then the Secretary-Treasurer shall record the names of those members present and the meeting shall stand adjourned until the date of the next regular meeting, or until a Special Meeting is called.'*

Application File No. B07-20 - continued  
March 24, 2020

**March 26<sup>th</sup>, 2020**

The Secretary-Treasurer read a Draft Decision to the Board Members who were participating via teleconference.

During consideration of the application it was asked if the municipality had any concerns with the shed within the proposed severed land; if the municipality would be setting a precedent if the shed was allowed to remain; and if the neighbouring house to the west (#6 Main Street) encroaches onto the retained land.

The Board Member for the municipality explained that the municipality did not have any concerns with the shed as it is located at the back of the lot away from the road and a new landowner would probably remove it as it is old and not in great shape. He advised that the dwelling on the proposed retained land and the dwelling located to the west of it have existed for a very long time and he is unaware of any concerns with any encroachments.

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) a written confirmation that all minimum yard requirements resulting from the new lot lines conform to Zoning By-law No. 80-19 i.e. written verification from the Ontario Land Surveyor;
- iii) a written confirmation from the municipality and conformity to the requirements of Zoning By-law No. 80-19 satisfactory to the municipality, i.e. location of the shed on the severed land;
- iv) a written confirmation from the municipality 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;
- v) a written confirmation from the municipality that an entrance permit from Phipps Street could be issued, satisfactory to the municipality;
- vi) a written confirmation from the municipality that water and sewer connections can be installed for the proposed severed land, satisfactory to the municipality;
- vii) a fee of \$125.00 for each Transfer of Land submitted for Certification; and
- viii) 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.



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. There were none.

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

	<u>Moved By</u>	<u>Seconded By</u>
1. B06-20	K. Noland	I. Anderson
2. B07-20	D. Osborne	E. Russell

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

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The time now being 8:04 p.m. and all business before the Board having been dealt with the Meeting was adjourned on a motion moved by K. Noland.

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R. Stephens, Chair



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T.A. CARLISLE, Secretary-Treasurer