

TOWNSHIP OF CHISHOLM

COMMITTEE OF ADJUSTMENT MEETING

TUESDAY, AUGUST 7TH, 2012

CALL TO ORDER

Chairperson Leo Jobin called the meeting to order at 7:00 p.m. with members Don Butterworth, Ken Frederick, David Hodgins, and Ted Vanderklugt. Applicants in attendance were David Walton and Shelly Lambe, and son Michael Walton. Joanna Boldt joined the meeting in progress. Staff member present was Clerk-Treasurer Linda Ringler.

DECLARATION OF PECUNIARY INTEREST

Member Ken Frederick declared a pecuniary interest with respect to the Walton/Lambe severance application and refrained from discussing or voting on the matter.

APPROVAL OF AGENDA

Resolution 2012-20 (COA)

Ted Vanderklugt – David Hodgins: Be it resolved that the agenda be approved as presented. ‘Carried’

APPROVAL OF MINUTES

Resolution 2012-21 (COA)

Ken Frederick – Don Butterworth: Be it resolved that the Minutes of the July 3rd, 2012 Committee of Adjustment meeting be adopted as printed and circulated. ‘Carried’

SUMMARY OF APPLICATION – DAVID WALTON AND SHELLY LAMBE – PART LOT 6, PART LOT 7, CONCESSION 14

A facsimile letter, dated August 7th, 2012, was received from the North Bay-Mattawa Conservation Authority (NBMCA) relating to File No. 2012-06, stating:

- The North Bay-Mattawa Conservation Authority (NBMCA) has reviewed the application with respect to the mandate of the Conservation Authority: Ontario Regulation 177/06 (Development, Interference with Wetlands & Alterations to Shorelines & Watercourses) as per Section 28 of the Conservation Authorities Act of Ontario and Part 8 (Private Sewage Disposal Systems) of the Ontario Building Code. The NBMCA also provides advice to the Township with regard to Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the Provincial Policy Statement (PPS) 2005.
- Graham Creek traverses the property. This creek is regulated by the North Bay-Mattawa Conservation Authority under Ontario Regulation 177/06, Development, Interference with Wetlands & Alterations to Shorelines & Watercourses (DIA). There is no floodplain mapping for this creek, however, in the absence of a floodplain analysis the erosion hazard limit may be used. The erosion hazard limit has been estimated to be approximately 186 metres across the meander belt on the creek in this location. Development is generally directed outside of the erosion hazard area. It appears that there is approximately 100 meters of frontage, in the north-west corner of the severed portion, along Grahamvale Road, outside of the erosion hazard area and suitable for development. Should development be proposed within the erosion hazard area, a DIA permit will be required to address potential erosion concerns. A diagram is attached illustrating the erosion hazard area.
- A site inspection was conducted on the property on August 2nd, 2012. It has been determined that there is adequate room to accommodate an initial and a replacement Class 4 septic system based on a 3-bedroom single family dwelling, on the severed portion, in the north-west corner of the lot, fronting on Grahamvale Road. The retained portion had adequate room to accommodate a replacement septic system should one be required in the

future. Prior to any development on the above-mentioned property a Sewage System Permit is required under Ontario Regulation 350/06 of the Ontario Building Code.

- Neither the Ministry of Natural Resources Species at Risk (SAR) Considerations Mapping nor the Natural Heritage Information Centre indicates the occurrence of SAR on or near the property.
- MDS calculations were undertaken as per the information submitted with the planning application. The calculation sheets are attached for reference. Assuming that development takes place in the north-west corner of the severed portion, it would appear that the MDS setback requirements can be met for all three livestock facilities.
- According to the Approved Updated Assessment Report for the North Bay-Mattawa Source Protection Area, this tributary has been identified as part of the Issue Contributing Area (ICA) (or a vulnerable area) which can result in the input of phosphorus to Callander Bay. As per Ontario Regulation 315/10 of the Ontario Building Code, any septic systems within the ICA will be subject to the mandatory septic system re-inspection program. Mandatory inspections are to be conducted by the Conservation Authority every five years.
- The Conservation Authority has no objection to this application.

Resolution 2012-22 (COA)

Don Butterworth – Ted Vanderklugt: Be it resolved that the application from David Walton and Shelly Lambe to sever one rural lot from Part Lot 6, Part Lot 7, Concession 14, Part Parcel 26982, Township of Chisholm, District of Nipissing, be approved subject to the following conditions which must be fulfilled within one year from the date of the Committee's Notice of Decision letter.

1. That this approval applies to the creation of one rural lot to be approximately 239 meters in frontage, and 1005 meters in depth on the east lot line and approximately 801 meters in depth on the west lot line and approximately 35.71 hectares in area.
2. That the following documents be provided for the transaction described in Condition No. 1:
 - (a) That a signed Acknowledgement and Direction Consent and Draft Electronic Transfer setting out the entire legal description of the parcel in question be submitted to the Clerk-Treasurer of the Township for the issuance of a Certificate of Consent.
 - (b) A reference plan of survey, which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel to which the consent approval relates.
3. That any traveled road situated on the severed property be transferred to the township for road purposes.

NOTES:

1. The required Acknowledgement and Direction Consent and Draft Electronic Transfer form shall contain a complete and accurate legal description. Inaccuracies or omissions with regard to the legal description in the Acknowledgement and Direction Consent and Draft Electronic Transfer forms or the survey plan will result in the documents being returned without consent.
2. Graham Creek traverses the property. This creek is regulated by the North Bay-Mattawa Conservation Authority under Ontario Regulation 177/06, *Development, Interference with Wetlands & Alterations to Shorelines & Watercourses (DIA)*. There is no floodplain mapping for this creek, however, in the absence of a floodplain analysis the erosion hazard limit may be used. The erosion hazard limit has been estimated to be approximately 186 metres across the meander belt on the creek in this location. Development is generally directed outside of the erosion hazard area. It appears that there is approximately 100 meters of frontage, in the north-west corner of the severed portion, along Grahamvale Road, outside of the erosion hazard area and suitable for development. Should development be proposed within the erosion hazard area, a DIA permit will be required to address potential erosion concerns. A diagram is attached illustrating the erosion hazard area.

3. A site inspection was conducted on the property on August 2nd, 2012. It has been determined that there is adequate room to accommodate an initial and a replacement Class 4 septic system based on a 3-bedroom single family dwelling, on the severed portion, in the north-west corner of the lot, fronting on Grahamvale Road. The retained portion had adequate room to accommodate a replacement septic system should one be required in the future. Prior to any development on the above-mentioned property a Sewage System Permit is required under Ontario Regulation 350/06 of the Ontario Building Code.
4. Neither the Ministry of Natural Resources Species at Risk (SAR) Considerations Mapping nor the Natural Heritage Information Centre indicates the occurrence of SAR on or near the property.
5. MDS calculations were undertaken as per the information submitted with the planning application. The calculation sheets are attached for reference. Assuming that development takes place in the north-west corner of the severed portion, it would appear that the MDS setback requirements can be met for all three livestock facilities.
6. According to the Approved Updated Assessment Report for the North Bay-Mattawa Source Protection Area, this tributary has been identified as part of the Issue Contributing Area (ICA) (or a vulnerable area) which can result in the input of phosphorus to Callander Bay. As per Ontario Regulation 315/10 of the Ontario Building Code, any septic systems within the ICA will be subject to the mandatory septic system re-inspection program. Mandatory inspections are to be conducted by the Conservation Authority every five years. **‘Carried’**

Clerk-Treasurer Linda Ringler informed the Committee that Meridian Planning Consultants will have a draft zoning by-law available for distribution to the members at the September meeting. Chris Jones from Meridian will schedule a date later in September or early in October to review the draft with the Committee and/or Council, prior to a recommendation being forwarded to Council.

Resolution 2012-23 (COA)

Ted Vanderklugt – David Hodgins: Be it resolved that we do now adjourn to meet again on Monday, September 10th, 2012 at 7:00 p.m. or at the call of the Chair. **‘Carried’**

Chairperson

Secretary