

**TOWNSHIP OF CHISHOLM**

**COMMITTEE OF ADJUSTMENT MEETING**

**TUESDAY, MAY 6<sup>TH</sup>, 2014**

**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 present. Adam Curran, Planning Consultant, Miller and Urso Surveying Inc., was in attendance on behalf of Duane Feltz and Kathleen Hamilton, owners of Lot 5, Con. 16. Staff member present was Clerk-Treasurer Linda Ringler.

**DECLARATION OF PECUNIARY INTEREST** - None

**APPROVAL OF AGENDA**

**Resolution 2014-03 (COA)**

Don Butterworth – Ken Frederick: Be it resolved that the agenda be approved as presented. ‘Carried’

**APPROVAL OF MINUTES**

**Resolution 2014-04(COA)**

Ted Vanderklugt – David Hodgins: Be it resolved that the Minutes of the January 30<sup>th</sup>, 2014 Council/Committee of Adjustment meeting be adopted as printed and circulated. ‘Carried’

**SUMMARY OF APPLICATIONS – DUANE FELTZ AND KATHLEEN HAMILTON – LOT 5, CONCESSION 16**

A facsimile letter, dated May 6<sup>th</sup>, 2014, was received from the North Bay-Mattawa Conservation Authority (NBMCA) relating to File Nos. 2014-01 to and including 2014-04, stating:

- NBMCA has reviewed the applications with respect to its mandate.
- Site inspections were conducted on April 28<sup>th</sup> and May 5<sup>th</sup>, and it was noted that there was considerable more wetland area on the property than depicted in the Township’s Official Plan. These wetlands form a headwater area of a tributary of the Wasi River, regulated by NBMCA under Ontario Regulation 177/06.
- As a result of the amount of wetland area, lot boundaries were adjusted so as to provide more developable land. Severed Lot # 1 consisted of mostly wetland area with a small upland area to the south. The OP describes adjacent lands of local wetlands as a 30m buffer. Zoning By-law 82-10 requires a 45m setback from the margin of a lake, river, stream or wetland for sewage disposal systems. Due to constraints and required setbacks, it is unclear whether a development envelope can be achieved on this lot. The lot has very limited development potential.
- Severed Lot # 2 also consisted of a large portion of wetland with an upland area at the northern end. This upland portion appeared to have sufficient room to accommodate an initial and a replacement Class 4 septic system.
- Severed Lots 3 & 4 appeared to have sufficient room to accommodate an initial and a replacement Class 4 septic system.
- Section B3.4.1 states that “*no new lot creation or Planning Act approval for more intensive uses shall be permitted on Wasi Lake or the Wasi River, unless the septic system for the proposed lot or more intensive use can be constructed at least 300m from the water’s edge and maintain a minimum lot frontage of 60m and a lot area of 1 hectare*”. Clarification is required as to whether this policy applies to the main branch of the Wasi River or to the subwatershed of the Wasi River, including tributaries that flow from Wasi Lake to Callander Bay. The tributary on this property flows into the main branch of the

Wasi River and if the 300m setback is applicable, it would not allow severed lot # 1 & 2 to be created.

- MDS calculations provided have been reviewed and NBMCA agrees that the recommended separation distances can be maintained.
- The wetlands and tributary on the property have been identified as part of the Issue Contributing Area (ICA) which can result in the input of phosphorus to Callander Bay. Any septic systems within the ICA will be subject to the mandatory septic system re-inspection program, as per Ontario Regulation 315/10, of the Ontario Building Code.
- The planning report prepared by Miller and Urso indicates that “*the MNR have no records or know Species at Risk (SAR) on the property*”. There is, however, potential for SAR or their habitat due to the presence of such a large wetland area. NBMCA believes that by recognizing all of the wetland area on the property and maintaining a 30m (dwellings) – 45M (septic systems) setback from the wetland, potential turtle habitat is protected.

Adam Curran outlined the proposed development for the benefit of the Committee, which includes four lots on Alderdale Road, consisting of 10 acres, 10 acres, 5 acres and 5 acres respectively. Mr. Curran advised the Committee that proposed severed lot # 2 was moved northward as a result of the April 28<sup>th</sup> site visit with NBMCA, and members of the Committee were provided with a copy of the proposed new sketch. Mr. Curran informed the Committee that the comments from the NBMCA with respect to proposed severed lot # 1 and # 2 had caught him off guard, and he would have adjusted the lot boundaries had he been given more notice of the NBMCA comment letter. Mr. Curran was of the opinion that Policy B3.4.1 of the Township’s Official Plan did not apply in this case. He also noted that he had done a MDS calculation, and proposed severed lot # 3 and # 4 were not affected by the barn across the road.

As a result of the comments from NBMCA with respect to proposed severed lot # 1 and # 2 and the need for further clarification, the Committee passed the following resolution:

**Resolution 2014-05 (COA)**

David Hodgins – Ted Vanderklugt: Be it resolved that the Committee of Adjustment defers Severance Application Nos. 2014-01 and 2014-02, pending further information/+clarification from the North Bay-Mattawa Conservation Authority. **‘Carried’**

**Resolution 2014-06 (COA)**

Ted Vanderklugt – David Hodgins: Be it resolved that the application from Duane Feltz and Kathleen Hamilton to sever one rural lot (Proposed Severance No. 3) from Lot 5, Concession 16, Parcel 16208, 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. These conditions must be fulfilled prior to the granting of consent.

1. That this approval applies to the creation of one rural lot to be approximately 100 meters in frontage, and 200 meters in depth and approximately 2 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. The MDS calculations provided were reviewed and the NBMCA agrees that the recommended separation distances can be maintained.
3. The lot appeared to have sufficient room to accommodate an initial and a replacement Class 4 septic system based on a 3-bedroom single family dwelling.

4. The planning report from Miller and Urso indicates that “*the MNR have no records or known Species at Risk (SAR) on the property*”. There is however, potential for SAR or their habitat due to the presence of such a large wetland area. NBMCA believes that by recognizing all of the wetland area on the property and maintaining a 30m (dwellings) - 45m (septic systems) setback from the wetland, potential turtle habitat is protected. **‘Carried’**

**Resolution 2014-07 (COA)**

Be it resolved that the application from Duane Feltz and Kathleen Hamilton to sever one rural lot (Proposed Severance No. 4) from Lot 5, Concession 16, Parcel 16208, 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. These conditions must be fulfilled prior to the granting of consent.

1. That this approval applies to the creation of one rural lot to be approximately 100 meters in frontage, and 200 meters in depth and approximately 2 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:**

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2. The MDS calculations provided were reviewed and the NBMCA agrees that the recommended separation distances can be maintained.
3. The lot appeared to have sufficient room to accommodate an initial and a replacement Class 4 septic system based on a 3-bedroom single family dwelling.
4. The planning report from Miller and Urso indicates that “*the MNR have no records or known Species at Risk (SAR) on the property*”. There is however, potential for SAR or their habitat due to the presence of such a large wetland area. NBMCA believes that by recognizing all of the wetland area on the property and maintaining a 30m (dwellings) - 45m (septic systems) setback from the wetland, potential turtle habitat is protected. **‘Carried’**

Committee members were provided with a *Save the Date* invitation to attend the 2014 Northeastern Ontario Planning Authorities Technical Workshop to be held in Sudbury September 23 – 24<sup>th</sup>, 2014. Don Butterworth was the only member able to commit to attend the conference at this time.

Secretary Linda Ringler provided the Committee with an update on the status of the draft zoning by-law.

**ADJOURNMENT**

**Resolution 2014-08 (COA)**

Ken Frederick – Ted Vanderklugt: Be it resolved that we do now adjourn to meet again on Tuesday, June 3<sup>rd</sup>, 2014 at 7:00 p.m. or at the call of the Chair. **‘Carried’**

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Chairperson

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Secretary