

AGENDA
REGULAR BOARD MEETING OF AUGUST 15, 2024
7:00 P.M.

1. ADOPTION OF MINUTES

- a. Resolve that the attached minutes of the regular Board Meeting held July 25, 2024, be adopted.

2. DECLARATION OF CONFLICTS

3. PLANNING AND ZONING APPLICATIONS.

- a) B9-24 Consent application Joe Ruscio, Este trustee with a will, Agent: Matthew Battisiti, Dead End Road, PLAN H415 BLK B, Havilland Township. A representative will be in attendance to address the Board. The Report of Planning Staff from the consultant planner J.L. Richards dated August 15, 2024 is attached for Board information

Resolve that the Board hereby accepts the Report of Planning Staff dated August 15, 2024, concerning Consent application B9-24, pertaining to the property situated at Dead End Road, PLAN H415 BLK B, Havilland Township. The application is approved, contingent upon the conditions outlined in the report

4. PRESENTATIONS/DELEGATIONS

None

5. LETTERS OF CONFORMITY

None

6. CORRESPONDENCE

None

7. ADMINISTRATIVE

None

8. TRAINING

None

9. FINANCIALS

- a. Statement of accounts for the Month ending July 31, 2024, is attached [Board Information and Approval]

Resolve that the account expenditures for the month ending July 31, 2024, in the amount of \$23,043.52 be passed.

- b. Drafted audited Statements are attached to be presented by Marcus Doyle from Joe Ruscio Professional Corporation. [Board information and approval]]

Resolved that the Board approve the draft audited statements for the year ending March 31, 2024

AGENDA – AUGUST 15, 2024

- c. Updated draft budget for the 2024/2025 fiscal year was attached for [Board discussion and approval]

Resolved that the Board approve the draft budget for the 2024/25 fiscal year.

10. NEW OR UNFINISHED BUSINESS

None

11. CLOSED MEETING

None

12. ADJOURNMENT

- a. Resolve that we now adjourn.



MINUTES
REGULAR BOARD MEETING OF JULY 25, 2024
7:00 P.M.

Present			Absent
Rita Kokis	Susan Mackenzie	Paul Wanet	Jerry Dolcetti
Peter Tonazzo	Paul Christian	Elaine Della-Mattia	
Michael Jalak	Don Muscatello	Senthil Vigneswaran	
Rebecca Elphick-JL Richards	Brenda Muscatello	Debbie Wilding	
Official: Kelly Legault			

1. ADOPTION OF MINUTES

- a. Resolved that the attached minutes of the regular board meeting held on July 11, 2024, were adopted.

Mover — Rita Kokis

Secunder — Michael Jalak

CarriedRes. No 48 / 24

2. DECLARATION OF CONFLICTS

None

3. PLANNING AND ZONING APPLICATIONS

- a. B1-24 Consent application Senthil Vigneswaran, 649 Havilland Shores Drive, SEC 28 NE1/4 NW1/4 & SE1/4 REM, Havilland Township. The Report of Planning Staff from the consultant planner J.L. Richards dated June 27th,2024 is attached for Board information.

Delegations were heard from Susan Mackenzie, representing the Havilland Shores Group residents, and Paul Christian. No other residents came forward.

Resolve that the Board hereby accepts the revised Report of Planning Staff dated June 27th, 2024, concerning consent application B1-24, pertaining to the property situated at 649 Havilland Shores Drive, Havilland Township, owned by Senthil Vigneswaran. The application is approved, contingent upon the conditions outlined in the report save and except for condition number 3.

Mover — Rita Kokis

Secunder — Michael Jalak

CarriedRes. No 49 / 24

4. PRESENTATIONS/DELEGATIONS

None

5. LETTERS OF CONFORMITY

None

6. CORRESPONDENCE

None

7. ADMINISTRATIVE

None

8. TRAINING

None

9. FINANCIALS.

Nil

10. NEW OR UNFINISHED BUSINESS

None

11. CLOSED MEETING

None

12. ADJOURNMENT

- a. Resolve that we now adjourn.

Mover — Michael Jalak

Secunder — Rita Kokis

CarriedRes. No 50 / 24

Chairperson

Vice Chairperson

STAFF REPORT

August 15, 2024

ROLL NO:	572711000013800
APPLICATION:	B9/24
APPLICANT(S):	Matthew Battisti
OWNER(S):	Joe Ruscio, Estate Trustee with a Will
LOCATION:	Dead End Road, Geographic Township of Havilland in the District of Algoma PINs 313036-0609 and 313036-0610
PURPOSE:	The applicants request consent to sever the lands comprising Dead End Road (PIN 313036-0610) following their unintentional merging with vacant lands to the east upon transfer under common ownership (i.e., to re-establish the previous property boundaries). The proposed severed parcel has a length of approximately 230 m, a width of approximately 6.5 m, and an area of approximately 1,370 m ² and following the severance, the proposed retained parcel (PIN 313036-0609) will have an area of approximately 0.8 ha and frontage of approximately 220 m. Both the severed and retained lands are vacant and no new buildings or structures are proposed with this application.
OFFICIAL PLAN DESIGNATION:	Rural Areas
ZONING:	Seasonal Residential (SR) Rural (RU)
ACCESS:	Dead End Road
CIRCULATION:	Algoma Public Health – Ministry of Transportation – Area Residents Mailed – Sign Posted –

BACKGROUND

Application B9/24 request consent to sever the lands comprising Dead End Road following merging with vacant lands to the east upon their transfer under common ownership by Transfer AL223415 registered February 5, 2021 in the Land Titles Division of Algoma to Joe Ruscio in his capacity as estate trustee with a will. The application intends to re-establish the property boundaries between this vacant parcel, identified as PIN 313036-0609, and the lands comprising Dead End Road, identified as PIN 313036-0610, to the pre-existing conditions before this transfer occurred.

The proposed severed parcel has a length of approximately 230 m, a width of approximately 6.5 m, and an area of approximately 1,370 m². Following the severance, the proposed retained parcel (PIN 313036-0609) will have an area of approximately 0.8 ha and frontage of approximately 220 m. Both the severed and retained lands are vacant and no new buildings or structures are proposed with this application.

Through their application, the applicant has identified that, to their knowledge, none of the following features are present on the subject and adjacent lands:

- Cultural heritage or archaeological resources
- Agricultural operation, including livestock facility or stockyard
- Landfill or dump site (active or closed)
- Sewage treatment plant or waste stabilization plant
- Provincially significant or unevaluated wetlands
- Sensitive surface water features and/or sensitive groundwater features
- Fish habitat
- Significant wildlife habitat
- Significant habitat of threatened or endangered species
- Significant Area of Natural and Scientific Interest (ANSI)
- Flood plain
- Erosion hazards
- Rehabilitated or abandoned mine site, mine hazards, or former mining operations
- Mineral aggregate operation (pit or quarry)
- Active railway line
- Electricity generating station, hydro transformer, railway yard
- Utility corridor

Note that the applicant has indicated that a provincial highway and Crown land are within 500 m of the subject property.

PLANNING ANALYSIS

Consistency with Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) is issued under Section 3 of the Planning Act and provides policy direction on matters of provincial interest related to land use planning and development. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. In respect of the exercise of any authority that affects a planning matter, the Planning Act requires that decisions “shall be consistent with” policy statements issued under the Act.

With respect to territories without municipal organization, Section 1.1.6 of the PPS directs that the focus of development activity shall be related to the sustainable management or use of resources and resource-based recreational uses, including recreational dwellings. The PPS requires that within territories without municipal organization, development must be appropriate to the infrastructure which is planned or available and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

The application proposes to sever approximately 1370 m² from the subject property for the purpose of re-establishing the retained parcel as a separately conveyable parcel from the lands comprising Dead End Road. The subject property is

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currently vacant, but may be developed for future seasonal residential use, as permitted by the PPS. Given that the application intends to re-establish pre-existing property boundaries and that no new buildings or structures are proposed, the application represents development that is appropriate to the available infrastructure and does not necessitate the expansion of such infrastructure.

Section 1.6.6 of the PPS concerns sewage, water, and stormwater servicing, and permits private individual on-site water and sewage services where municipal or private communal water and sewage services are not available, planned, or feasible, provided that site conditions are suitable for the long-term provision of such services with no negative impacts. The PPS further dictates that planning authorities may only allow lot creation on the basis of private services where there is confirmation of sufficient reserve sewage system capacity, including treatment capacity for hauled sewage from private individual on-site services.

At this time, the applicants propose no servicing for the proposed retained or severed parcels, given that no new buildings or structures are proposed at this time. However, the proposed retained parcel will have an area of approximately 0.8 ha following the severance, which is suitable for the long-term provision of private individual on-site water and sewage services to accommodate future residential use with no negative impact. Given that the lot creation will not result in an additional building lot, but rather the separation of a residential parcel from a private road, we recommend that no further reserve sewage system capacity should be needed.

Based on the above, we recommend that the application is consistent with the relevant policies of the 2020 PPS.

Conformity with Official Plan for the Sault Ste. Marie North Planning Area

The subject property is within the 'Rural Area' designation of the Official Plan for the Sault Ste. Marie North Planning Area (Official Plan). Table 3.7.11(A) of the Official Plan establishes the criteria for consents in the Rural Area, which include:

- Minimum lot size of 0.8 ha for residential uses, and in compliance with the zoning standards for non-residential uses;
- A maximum number of two severances per lot plus the retained lot as of November 1, 1999, with a number of noted exemptions, including to correct lot boundaries;
- Frontage on a year-round publicly maintained road for year-round uses;
- May be permitted on Provincial Highway 17 through common entrances where the owner has a minimum of 200 m of frontage prior to severing and where MTO safety and operational requirements can be met;
- Will not be approved unless road will be assumed by a public body (e.g., Local Roads Board);
- Must be located on an existing school bus route, have access to fire protection, and require no extension to utilities;
- Must comply with prevailing zoning standard prior to final approval; and,
- Must comply with Policy 3.6.4 with respect to on-site services.

We recommend that the proposed severance conforms to the above criteria, as detailed below:

- Following the severance, the proposed retained parcel will have an area of 0.8 ha, as required by the Official Plan for residential uses.
- Given that the application intends to correct lot boundaries, it is exempted from the maximum number of severances prescribed by the Official Plan.
- The proposed severance will facilitate the re-creation of Dead End Road as a separately conveyable parcel for use as a private road, which will continue to be maintained by the Havilland Local Roads Board on a year-round basis. Its continued use as a private road ensures that the proposed retained parcel, as well as properties to the west along the shoreline of Lake Superior, have frontage on a year-round publicly maintained road.

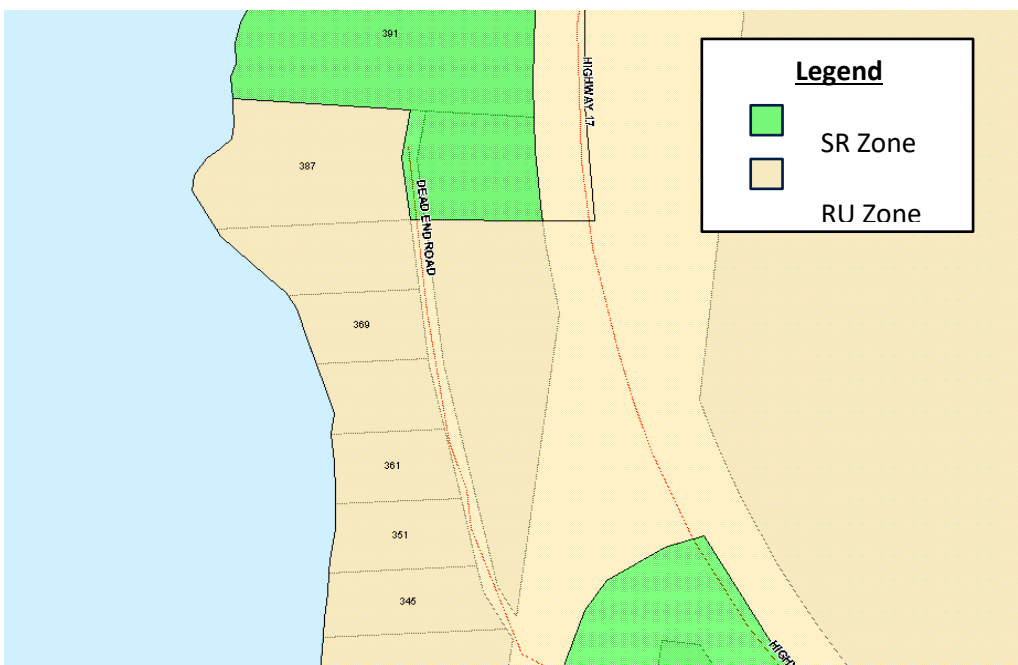
- Through this application, neither the proposed severed nor retained parcel will have direct access onto Provincial Highway 17. The southernmost extent of Dead End Road terminates at Harmony Beach Road, where an existing common entrance to Provincial Highway 17 is located to the east of the subject property.
- Per Algoma & Huron-Superior Transportation Services, the subject property is located on an existing bus route. The subject property has access to fire protection and does not require extension to utilities.
- The application’s compliance with the zoning standards is discussed in the section to follow.
- With respect to servicing, Section 3.6.4 of the Official Plan requires that all new development occur on the basis of private individual on-site water and sewage services, and that all private servicing systems be subject to the regulations of the public body having jurisdiction, being Algoma Public Health (APH). Policies within this section further stipulate that the Planning Board not approve the creation of additional building lots by severance with an area less than 0.8 ha, and further requires that the applicant demonstrate sufficient reserve sewage capacity for hauled sewage. At this time, the applicants do not propose any new buildings or structures, and therefore no private water and sewage services are proposed. However, the proposed lot size for the retained parcel conforms with the minimum lot area of 0.8 ha to support the future construction of a residential dwelling on the basis of private servicing. The applicants are advised that approval from APH will be required for any private servicing systems at the time of their future construction, as well as confirmation of sufficient reserve sewage system capacity for hauled sewage.

With respect to land use compatibility, policies contained in Section 3.12.4 of the Official Plan require the completion of a noise and/or vibration study where sensitive land uses are proposed adjacent to Provincial Highway 17. However, given that the application intends to re-establish pre-existing lot boundaries, and that no new buildings or structures are proposed with this application, we recommend that the requirement for a noise and/or vibration study may be waived.

Based on the above, we recommend that the application conforms to the relevant policies of the Official Plan.

Compliance with Zoning By-law 1999-01

The subject property is zoned ‘Seasonal Residential (SR)’ and ‘Rural (RU)’ in Zoning By-law 1999-01 for the Sault Ste. Marie North Planning Area (the Zoning By-law), as shown below:



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Section 51(1) of the Zoning By-law permits a range of uses in the RU Zone, including a seasonal dwelling. Permitted uses in the SR Zone, per Section 28(1) of the Zoning By-law are limited to seasonal dwellings, parks, playgrounds, churches, church halls, and community centres. With respect to the proposed retained parcel, the lands are currently vacant, and the applicants propose no new buildings or structures. Should the proposed retained parcel be developed in the future for residential purposes, a seasonal dwelling is permitted in both the SR and RU Zones, subject to the respective zone standards.

Sections 29(1) and 53(1) of the Zoning By-law establish development standards for the SR and RU Zones, respectively, as shown below:

Provision	SR Zone Requirement	RU Zone Requirement	Proposed Severed Parcel	Proposed Retained Parcel	Compliance
Min. lot frontage	30 m	55 m	220 m	220 m	Yes
Min. lot area	1400 m ²	0.8 ha	1370 m ²	0.8 ha	No
Max. lot coverage	15%	15%	0%	0%	Yes
Min. front yard	18 m	18 m	N/A	N/A	Yes
Min. rear yard	9 m	15 m	N/A	N/A	Yes
Min. side yards	3m	6 m	N/A	N/A	Yes
Max. bldg. height	9 m	10.5 m	N/A	N/A	Yes
Min. ground floor area	37 m ²	N/A	N/A	N/A	Yes

The proposed retained parcel meets all relevant standards of the SR and RU Zones as shown above.

The proposed severed parcel meets all relevant standards of the SR and RU Zones, with the exception of the minimum lot area of 1400 m² in the SR Zone and 0.8 ha in the RU Zone. However, because the proposed severed parcel is infrastructure (i.e., a road right-of-way), it does not need to conform to the zoning requirements.

Based on the above, we recommend that the application complies with all relevant provisions of the Zoning By-law.

RELEVANT CONSULTATION

A notice of complete application and public meeting was circulated to all prescribed public bodies in accordance with the requirements of the Planning Act. As of the report submission deadline, the following comments were received:

Ministry of Transportation (MTO): In correspondence dated August 6, 2024, MTO staff identified no objections to the proposed consent and noted that the comments provided on July 12, 2024 with respect to the access easement over Dead End Road remain in effect.

A notice of complete application and public meeting was also circulated to all landowners within 60 metres of the subject property and was posted on the subject property in a location clearly visible and legible from a public highway or other place to which the public has access, in accordance with the requirements of the Planning Act. As of the report submission deadline, no public comments were received.

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RECOMMENDATION

It has been demonstrated that the application is consistent with the 2020 Provincial Policy Statement, conforms with the Official Plan for the Sault Ste. Marie North Planning Area, and maintains the general intent and purpose of Zoning By-law 1999-01 for the Sault Ste. Marie North Planning Area. Based on this, we recommend that the Sault Ste. Marie North Planning Board approve the application to sever an area of approximately 1370 m² from the subject property for the purpose of re-establishing the lands comprising Dead End Road as a separately conveyable parcel, subject to the following conditions:

1. That the applicant provides the Planning Board with two (2) white prints and one (1) original PDF file of a deposited plan of reference prepared by an Ontario Land Surveyor registered in the Province of Ontario and bearing the seal of the land registrar depicting the entire land which conforms substantially with the application as submitted. At least one copy of a plan of reference must indicate any easement/right-of-way and the locations and dimensions of all buildings and structures on the subject property and their distance to property lines.
2. That the applicant shall demonstrate that any requirements of the Ministry of Transportation (MTO) with respect to Highway Corridor Management have been met to the satisfaction of MTO and the Planning Board.
3. That the applicant shall provide the Secretary-Treasurer with either a registrable description or a deed conveying the severed lands for use in the issuance of the Certificate of Consent, and further, shall submit a certified copy of the latest transfer documents for the new parcel. The applicant is advised that Section 50 of the Planning Act shall apply to all subsequent conveyances and transactions.
4. That the applicant shall provide the Secretary-Treasurer with confirmation of registration of a development agreement on title which has the effect of ensuring that the proposed severed parcel will be used only for a road right-of-way.
5. That, pursuant to Section 53(42) of the Planning Act, the Certificate of Consent shall be affixed to the deed within two years of the giving of the Notice of Decision. The applicant is advised that Section 53(43) requires that the transaction approved by this consent must be carried out within two years of the issuance of the certificate (i.e., the stamping of the deed).

Should you have any questions regarding this application, please contact the undersigned.

J.L. RICHARDS & ASSOCIATES LIMITED

Prepared by:

Reviewed by:



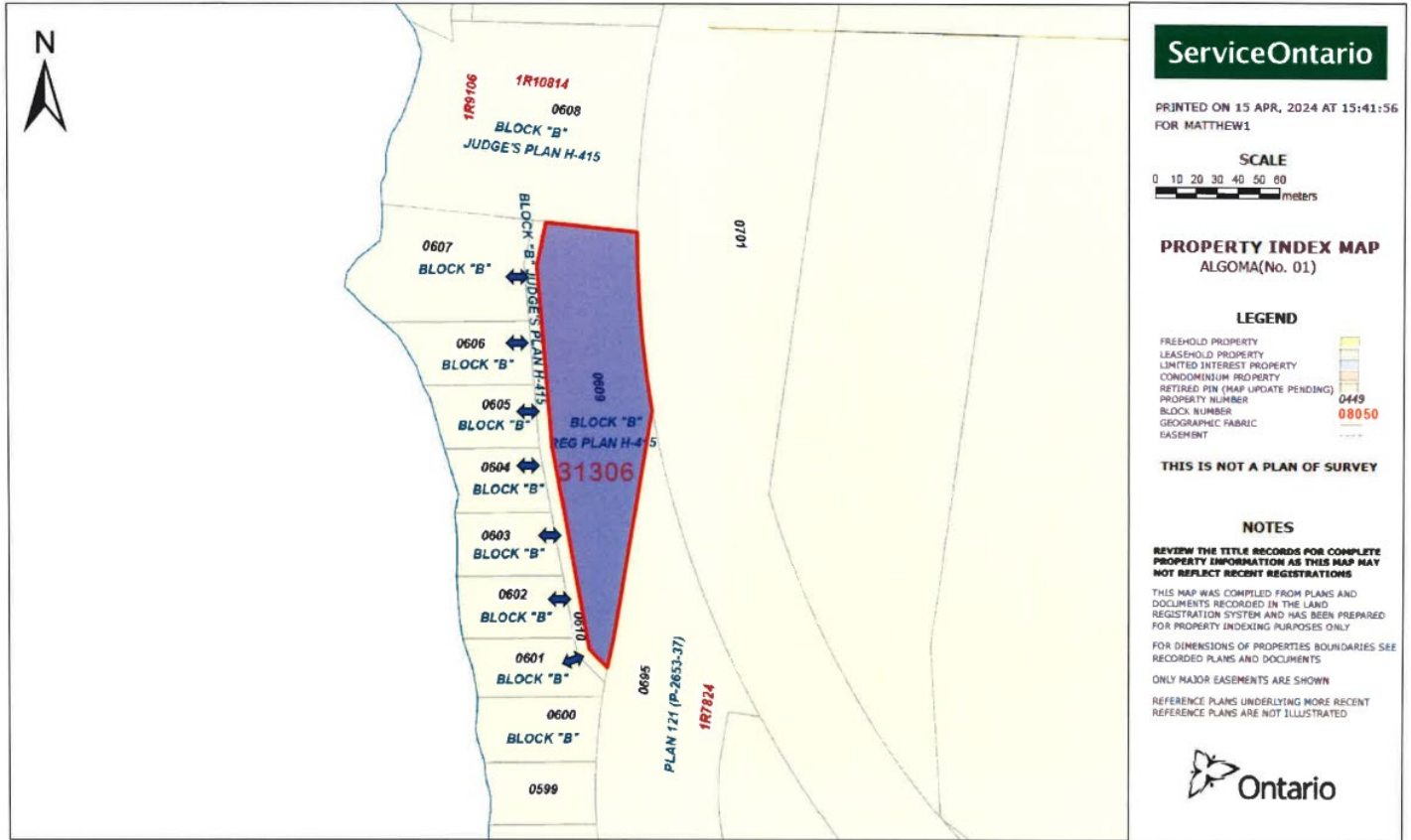
Rebecca Elphick, M.Pl
Planner

David Welwood, MES (Planning), RPP, MCIP
Planner

RE:dw

Attachment: Schedule 'A'

THE ABOVE IS A STAFF RECOMMENDATION ONLY, SUBJECT TO BOARD APPROVAL.
Schedule 'A'
Severance Sketch as submitted by Applicant



Rebecca Elphick

From: [REDACTED]
Sent: August 6, 2024 10:25 AM
To: Rebecca Elphick
Cc: [REDACTED]
Subject: FW: Request for comment - Application B9-24
Attachments: B09-24 PUB Notice.pdf; B9-24 Ruscio-Bullock.pdf; RE: Request for comment - Application B5-24

Follow Up Flag: Follow up
Flag Status: Completed

[CAUTION] This email originated from outside JLR. Do not click links or open attachments unless you recognize the sender and know the content is safe. Do not forward suspicious emails, if you are unsure, please send a separate message to Helpdesk.

Kelly Legault (she/her)

Sault Ste. Marie North Planning Board

1100 Fifth Line East
Sault Ste Marie • Ontario • P6A 6J8

T: [REDACTED] F: [REDACTED]
E: [REDACTED]

Individuals who submit written correspondence or information to the Sault Ste Marie North Planning Board should be aware that any personal information contained in their communications may become part of the public record and made available to the public.

From: Cole, Cameron (MTO) [REDACTED]
Sent: Tuesday, August 6, 2024 10:13 AM
To: info@ssmnpb.ca
Cc: Marsh, Christopher (MTO) [REDACTED]
Subject: RE: Request for comment - Application B9-24

Hi there Kelly,

Thank you for circulating the MTO on the attached consent application for Dead End Rd. I can confirm the MTO has no objections to the proposed consent and that the comments provided by the MTO on July 12, 2024 will remain in effect. I have attached the email chain and provided the comments below for your reference.

- Because an easement is proposed over private property, the MTO is considering this entrance a mutual/shared entrance.

- MTO residential entrance (change of ownership) permits will be required for each property that accesses Dead End Road (PIN 31306-0601 through PIN31306-0609) . These permits will come at no charge to the lot owner.
 - o A total of nine (9) residential entrance permits will be required.
- In order to guarantee continued access in perpetuity for each lot, easement rights should be incorporated into the deeds of all lots and circulated to the MTO for review.
 - o Once the MTO has confirmed that easement rights have been incorporated into the deed of a lot, we will be prepared to issue the corresponding residential entrance permit.
- Placement of any buildings or structures on any of the subject lots will require an MTO building/land use permit.
- Any future development or change in lot use will be subject to MTO review.

Mutual Access:

When common access arrangements are required, a surveyed right-of-way must be established and an easement granted by each lot in favour of the other lot sharing the entrance. This ensures continuous access to both lots served by the mutual entrance. The easements must be shown on the reference plan and the easement rights incorporated into the deeds of both lots involved. The width of the easement for the mutual entrance must be 10m in width (residential) at a minimum of 10 meters in depth and the block is to be located/centered on the shared property line. The MTO residential entrance standard is a 5 meter wide entrance but the additional easement block width allows for other entrance features such as snow removal and drainage.

- a. MTO will require that the draft reference plan be submitted to MTO for review and approval prior to registration
- b. MTO will require that the draft deeds of all lots be submitted to MTO for review prior to registration to ensure the legal mutual access rights have been incorporated into the deeds of all involved properties.

All permit applications can be applied for online at the following link: <https://www.hcms.mto.gov.on.ca/>

Any questions regarding permitting or setbacks can be directed to Christopher Marsh, Corridor Management Officer at [REDACTED]

If there are any additional questions or concerns, don't hesitate to contact me.

Thank you,
Cameron Cole
 Corridor Management Planner
 Corridor Management | North Region | Area East
 Ministry of Transportation | Ontario Public Service
 [REDACTED] | [REDACTED]



Taking pride in strengthening Ontario, its places and its people