



Municipality of French River

MINUTES OF THE SPECIAL MEETING OF COUNCIL

held in the Council Chambers
French River Municipal Complex
Wednesday, May 27, 2015 at 5:30pm

Re: To consider proposed amendments to Zoning By-law 2014-23

Members Present:

Mayor Claude Bouffard(Chair), Councillors Michel Bigras, Ronald Garbutt, Tammy Mitchell, Denny Sharp, Dean Wenborne

Members Excused:

Councillor Gisèle Pageau

Officials Present:

Mélanie Bouffard, Acting CAO/Clerk
Julie Bouthillette, Treasurer/Tax Collector
Melissa Riou, Director of Planning, Sudbury East Planning Board

Guests:

7 Guests

1. Call to order, roll call and adoption of the agenda

The Chair called the meeting to order at 5:30 pm

Moved By: Denny Sharp
Seconded By: Michel Bigras

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BE IT RESOLVED THAT the agenda be accepted as distributed.

Carried

2. Disclosure of Pecuniary Interest

None declared.

The Chair summarized the procedure of a Public Hearing to deal with the consideration of a proposed general amendment to Zoning By-law 2014-23.

The Director of Planning informed Council that the Notice of the Public Hearing was posted in the Municipal Office and was sent by First Class Mail on May 4, 2015 (being over twenty (20) days prior to this evening's meeting) to the assessed owners within 120 metres of the property subject to the proposed Zoning By-law Amendment, and to those persons and agencies likely to have an interest in the application and that included with each Notice was an explanation of the purpose and effect of the proposed

Zoning By-law Amendment application and a key map showing the location of the property.

3. Application from 1381429 Ontario Inc. (Mike Bouffard)

The purpose of the Public Meeting was to consider a proposed amendment to Zoning By-law 2014-23 received from 1381429 Ontario Inc. (Mike Bouffard) to change the zoning of a portion of the subject lands (2 lots from associated plan of subdivision 52T-13001FR) from Open Space OS to Residential Rural RR to permit the lots to be developed for residential purposes.

The re-zoning application is intended to address a condition of Draft Plan Approval for the associated five (5) lot plan of subdivision. Application to rezone the other three (3) lots in the Draft Plan of Subdivision was made and By-law 2013-11 approved by Council on March 20, 2013.

The applicant has submitted the current application with the intent of having any appeal consolidated with the associated appeal of the draft plan of subdivision and re-zoning of the other three (3) lots in the plan of subdivision (OMB File No. PL130391).

Through agency circulation, there were no new comments or concerns received relating to the application.

The applicant was present; Mr. Bouffard summarized the history of his planning applications and explained that the purpose for the creation of additional lots on the golf course was to offset capital costs and for economic development enabling his business to grow to operate in all seasons.

The Mayor invited members of the public to ask questions or comment.

Tom Benvenuti, 324 Hwy 528, Noëlville, submitted a letter of opposition to the application on May 26, 2015 (copy attached to minutes) objecting that the MDS formulae was incorrect, for the proximity of his aggregate pit and for the negative impact in his farming operation. There is also a concern whether the water table is adequate and would impact his farm. He also stated that if they would reduce to three lots it would be acceptable but he will not agree to the lot closest to his lot line.

Allan Hebert, 301 Hwy 528, Noëlville, opposed the application and stated that even though OMAFRA said that the MDS is not required that the Municipality had the right to request it and the OMB had sided with the Municipality because it was good practice to request it.

Annie Hebert, 301 Hwy 528, Noëlville, opposed the application and read her letter of opposition (copy attached to minutes) which was then submitted to the Clerk.

The Applicant answered questions from Council as follows:

- a noise study was done and there were no impacts from his application
- there is a buffer zone between the lot 5 and the Benvenuti property
- the lots being proposed are across from the Hébert pasture land

The Director of Planning answered questions from Council as follows:

- the MDS is not generally applicable for this case since the current zoning of the subject land (OS) already restricts adjacent farming operations but the Municipality had reasonably requested it, there were three MDS formulas calculated with very conflicting results (by the applicant and the neighbouring properties), based on the concerns with accuracy of the information deferral was recommended until further information was provided, there is no update
- a private servicing evaluation was done by Terraprobe Ltd and there were no anticipated concerns with the water supply

Councillor Dean Wenborne arrived at 5:55pm.

The Chair declared this Public Hearing to be concluded and advised of the 20 day appeal period to the Ontario Municipal Board and that during this appeal period, no building permit may be issued or other work commenced. The Zoning By-law Amendment will be considered by Council at tonight's Regular Council Meeting.

6. Others

7. Adjournment

Moved By: Denny Sharp
Seconded By: Michel Bigras

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BE IT RESOLVED THAT the special meeting be adjourned at 6:03 pm.

Carried

MAYOR

CLERK