



MINUTES

Public Meeting Under the Planning Act

Tuesday, March 9, 2021

<https://us02web.zoom.us/j/86289369490> 6:00 p.m.

COUNCIL PRESENT: All members of Council were in attendance this evening, Mayor Peckett arrived at 6:06 p.m.

STAFF PRESENT: Lindsey Lee, CAO/Clerk
Angela Young, Deputy Clerk
Bruce Howarth, Senior Planner

MEDIA PRESENT: Nil.

1. Call to Order and Roll Call

A Public Meeting under the Planning Act was held at 6:00 p.m. to consider a proposed amendment to the Zoning By-Law for the Township of McNab/Braeside in accordance with the provisions of Section 34 of the Planning Act, 1990.

2. Declare Meeting Open

Deputy Mayor Armsden stated that this is a Public Meeting held by Council under Section 34 of the Planning Act, 1990 and is declared open and further advised this Public Meeting is for Madawaska Shores – 2444681 Ontario Inc. for property located in Part of Lot 9, Concession 7 located on Paul A. Bertrand Drive.

3. Disclosure of Pecuniary Interest and the General Nature Thereof

Members were asked to state any pecuniary interest and the general nature thereof before the item is discussed. No disclosures of pecuniary interest were declared at this time.

Deputy Mayor Armsden Chaired the Public Meeting this evening.

4. Applicant

2444681 Ontario Inc. - Madawaska Shores
Lots 7 - 24 Plan 49M-104
Part of Lot 9, Concession 7
Paul A. Bertrand Drive

5. Information Circulated

- 5.1 - Notice of Application and Public Meeting
- Application Sketch
- County of Renfrew Planning Report
- OPG Comments – February 11, 2021
- Draft Revised By-Law

6. Clerks Notice of Circulation in accordance with the Requirements of the Planning Act

The public meeting is a requirement of the Planning Act. In accordance with the Planning Act, notice must be given at least 20 days before the public meeting is held. Deputy Mayor Armsden requested that the Clerk confirm the date the notice was circulated and calculate that we had the required 20 days notice.

The Deputy Clerk advised the Notice was circulated to all property owners within 120m of the subject property on February 12, 2021. The Notice was mailed to the agencies as required under the Planning Act. The Notice was published on the Township website on February 9, 2021 and on the Township calendar. The notice was also posted at the property site on February 17, 2021 by the Agent/Applicant and verified by the Township's Chief Building Official.

Deputy Mayor Armsden stated that the 20 day notice having been given, declared the meeting properly constituted to transact its business.

Any person wishing to receive written notice of the approval or refusal of the amendment being considered at this meeting must leave their name and mailing address with the Township Clerk. Due to the nature of the virtual meeting, Deputy Mayor Armsden requested that persons contact the Clerk by e-mail at info@mcnabbraside.com or by phone to have their request for further notification documented.

Deputy Mayor Armsden stated that as required by Section 34 (14.5) of the Planning Act, Council is required to inform the public of who is entitled to appeal to the Local Planning Appeal Tribunal, under Sections 34(11) and (19):

Under Section 34(11) - If Council decides to refuse an application or refuses or neglects to make a decision on an application within 120 days of the municipal clerk receiving the application, the applicant or the Minister of Municipal Affairs and Housing, may appeal to the Local Planning Appeal Tribunal by filing an appeal with the clerk of the municipality.

Section 34 (19) – Not later than 20 days after the giving of notice of passing of the by-law, the applicant, any person or public body who made oral submissions at the public meeting or made a written submission to Council, before the by-law was passed or the Minister of Municipal Affairs and Housing, may appeal to the Local Planning Appeal Tribunal by filing an appeal with the clerk of the municipality.

7. Clerks Reading of the Notice

Deputy Mayor Armsden requested the Clerk give a description and location of the Proposed Amendment.

The Deputy Clerk advised that the notice informed the public of the meeting date to be held on Tuesday March 9, 2021 at 6:00 pm for the proposed amendment for land located in Lots 7 to 24, Plan 49M-104, in part of Lot 9, Concession 7 – Paul A. Bertrand Drive.

The purpose of the amendment is to reduce the minimum required rear yard depth in the applicable zones from 7.5 metres to 1.0 metre to allow the main permitted use (i.e. dwelling) on the subject lands to be located closer to the Madawaska River. The reduced setback to the rear yard does not reduce the minimum 30 metres setback to the high water mark.

The effect of the amendment is to:

- Rezone Lots 13, 14, 15, 18, 19, 20, 21 and 24, Plan 49M-104, from Rural Residential (RR) to Rural Residential-Exception Nineteen (RR-E19) to permit the reduced rear yard setback.
- Amend the site specific zone provisions of the following zones to add the reduced rear yard setback requirement for the specified lots.
 - Rural Residential-Exception Twelve (RR-E12) Zone for Lots 7 and 8
 - Rural Residential-Exception Thirteen (RR-E13) Zone for Lots 9 and 10
 - Rural Residential-Exception Fourteen (RR-E14) Zone for Lots 11 and 12
 - Rural Residential-Exception Fifteen (RR-E15) Zone for Lots 16 and 17
 - Rural Residential-Exception Sixteen (RR-E16) Zone for Lot 22
 - Rural Residential-Exception Seventeen (RR-E17) Zone for Lot 23
- Rezone part of Lots 7 to 10, inclusive, and part of Lots 18 to 24, inclusive, from Environmental Protection (EP) to the specific Rural Residential-Exception (RR-E) Zone of the remainder of specific lot.

The notice was dated February 12, 2021 and signed by Deputy Clerk, Angela Young.

Additional information regarding the Zoning amendment was available for inspection at the Township of McNab/Braeside Municipal Office during regular office hours.

8. Correspondence/Comments Received

Agencies

Planning Department

Others

Deputy Mayor Armsden inquired if there were any written comments received.

The CAO/Clerk advised that comments were received as follows:

Enbridge – Enbridge Gas does not object to the proposed application however, we reserve the right to amend our development conditions.

Sewage System Inspector – No comments or concerns.

The County of Renfrew Planning Comments were summarized on the planning report included with the meeting package circulated to Council.

OPG advised that they have received notification of the planning application for the purpose of the amendment to reduce the minimum required rear yard depth in the applicable zones from 7.5 metre to 1.0 metre to allow the main permitted use on the subject lands to be located closer to the Madawaska River and further advised as follows:

“ Please be advised that OPG owns in ‘fee-simple’ the lands, known as PIN 57334-0205, adjacent to Lots 7 – 24 along the shoreline as well as OPG enjoys an easement in perpetuity in the land designated as Part 1 on R-151180.

1. The land is to remain clear of any and all buildings or structure used for or capable of being used for human habitation. As such OPG would not approve a reduction in rear yard depth where it falls in Part 1 on R-151180.
2. OPG’s lands are designated as Proposed Environmental Protection (EP) Zone, and request that the designation does not change on OPG’s Lands and/or in Part 1 on R-151180.
3. OPG also requests that the designation stay the same in Part 1 on R-151180.

OPG would like to be notified as to when a decision is made on this application.

Council was advised there was no other written correspondence received either to object or to support the proposed application.

Deputy Mayor Armsden inquired if Mr. Howarth had any comments or wish to speak to the Amendment?

Mr. Howarth advised that his comments are in the planning report submitted for Council’s review in the meeting package. This rezoning has been requested by the owners of waterfront Lots 8 to 24, inclusive, on registered plan of subdivision 49M-104, known as Madawaska Shores. The purpose of the requested rezoning is to reduce the minimum required rear yard depth in the applicable zones from 7.5 metres to 1.0 metre to allow the main permitted use (i.e. dwelling) to be located closer to the Madawaska River. The reduced setback to the rear yard does not reduce the minimum 30 metres setback to the high water mark.

Mr. Howarth further advised that the By-law has been revised to take OPG’s comments into consideration, however, that the revisions are minor in nature and Council would need to satisfy themselves that no further public consultation is required.

9. Questions/Comments

Members of the Public
Applicant/Agent
Members of Council

Deputy Mayor Armsden inquired if any members of the public wished to speak to the amendment.

Mr. Chris Hogan spoke at this time and stated that he supports the proposal to reduce the setbacks as requested.

Mr. Wachna spoke at this time and requested that Council not approve the revised by-law as presented. He would like Lots 7, 8 and 9 removed from the restrictions in the by-law.

Council briefly discussed this request and advised Mr. Wachna that in order to consider a new/revised proposal that this application would need to be held in abeyance and another public meeting scheduled. With input from the County Planner, Council advised the recommendation from the Township would not change, and the request by OPG to protect their interests over their easements would stand. Mr. Wachna stated that he did not want to hold up the process and was in agreement to continue with the process as outlined this evening.

Deputy Mayor Armsden invited the Applicant/Agent to speak to the proposed amendment.

Mr. Wachna did not make any further comments at this time.

Deputy Mayor Armsden inquired if Council Members had any questions at this time, to which there were none.

10. Further Information Requests List

Members of the public were requested to submit their name and contact information to the Clerk should they wish to be notified with regards to the application by emailing info@mcnabbraeside.com.

11. Adjournment

Deputy Mayor Armsden advised that the Public Meeting process is now completed. Council will give careful consideration to the arguments for/and or against the zoning amendment requested for this property.

A By-Law will be brought forward to the March 16, 2021 Regular Council Meeting for consideration. Should this by-law be passed a notice of passing will then be circulated as required under the Planning Act and there would be an appeal period after the notice of passing was sent out.

The Public meeting was declared closed.

Deputy Mayor Armsden thanked everyone for their attendance.

The meeting adjourned at 6:25 p.m.

MAYOR

CAO/CLERK