

Corporation of the Township of Chisholm

Municipal Office/Council Chambers: 2847 Chiswick Line, Powassan, Ont. P0H 1Z0

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MINUTES SPECIAL COUNCIL MEETING THURSDAY, FEBRUARY 8, 2024 7:00 PM

1. CALL TO ORDER & ACKNOWLEDGE FIRST NATIONS PEOPLES AND LAND

"We respectfully acknowledge that we are on the traditional territory of the Anishinaabe Peoples, in the Robinson-Huron and Williams Treaties areas. We wish to acknowledge the long history of First Nations and Metis Peoples in Ontario and show respect to the neighbouring Indigenous communities. We offer our gratitude for their care for, and teachings about, our earth and our relations. May we continue to honor these teachings."

The meeting was called to order by Mayor Gail Degagne, in Council Chambers at 7:01 p.m., with Councillors Paul Sharp, Bernadette Kerr, Claire Riley and Nunzio Scarfone. Staff member present was CAO Jenny Leblond. There were 31 members of the public in attendance and 6 joined by zoom.

2. NOTIFICATION OF PECUNIARY INTEREST

3. ADOPTION OF AGENDA

Resolution 2024-24 Paul Sharp and Nunzio Scarfone: – Be it resolved that this agenda be adopted as printed. ‘Carried’

Resolution 2024-25 Claire Riley and Bernadette Kerr: Be it resolved Council agree to hold a brief recess to allow more time for presenter to get to meeting. Time: 7:04 PM ‘Carried’

Resolution 2024-26 Nunzio Scarfone and Paul Sharp: Be it resolved that this agenda be adopted as printed. Time: 7:07 PM ‘Carried’

4. UNFINISHED BUSINESS FROM PREVIOUS MEETINGS

- (a) Memo from CAO Jenny Leblond with regards to Beach Road and the residents that would like to access beach road to obtain residential permits. (Encl.)

5. PRESENTATIONS AND DELEGATIONS

- (a) Menno Miller

Presenter turned his presentation over to Gerry Rose to speak on his behalf. Gerry presented to Council on the beach road request.

6. OPEN FORUM

Five members of the community delegated to council their opinion on the Beach Road discussion.

7. NEW BUSINESS

- (a) Resolution regarding Beach Road

Resolution 2024-27 Nunzio Scarfone and Bernadette Kerr:

WHEREAS any reference to “Beach Road” will be referencing the section of Beach Road that is labeled “Local Road Assumed for Summer Maintenance Only” in Schedule C of the Official Plan and is found between Lots 15 and 16 of Concessions 11 and 12 and/or the section between Memorial Park Drive and Chiswick Line;

WHEREAS there are two other references in Schedule C of the Official Plan for similar roads that are at the end of Hills Siding Road and Laporte’s Road

WHEREAS any reference to “Chiswick Line side” will be referencing Con 11 Pt Lot 15 and “Memorial Park side” will be referencing two lots, on either side of Beach Road, legally described as Con 12 Lot 15 and Con 12 Lot 16;

WHEREAS the “Memorial Park side” is designated 100 % Provincially Significant Wetland and 100% Environmental Protection along the road frontage of Memorial Park Drive and the “Chiswick Line side” is designated with approximately 50% Provincially Significant Wetland and 100% Environmental Protection along the road frontage of Chiswick Line;

WHEREAS the Official Plan in section B5.3 explains the permitted uses in the Environmental Protection designation as being “limited to conservation and passive recreation uses that do not require development or site alteration.... no other development or site alteration shall be permitted within any significant wetland.... Nothing in this section is intended to limit the ability of existing agriculture uses to continue on the lands that are designated Environmental Protection.”;

WHEREAS the Zoning By-Law allows for building permits on lots that have direct access to municipally maintained roads;

WHEREAS the previous owners of the Memorial Park side were made aware of the restrictions in the summer of 2021 and further the new owners did not inquiry on restrictions prior to taking ownership;

WHEREAS the new owners of the Chiswick Line side, in person and through their legal counsel, were made aware of the restrictions prior to purchasing;

WHEREAS in 2021 and 2023, the Township’s engineer has prepared two separate preliminary engineering reports on the recommendations needed to bring Beach Road up to a standard that the Township would consider opening the road fully and providing maintenance year-round and further staff have confirmed that this recommendation from the engineer would be the minimum standard that Council should be considering;

WHEREAS there was a request to Council to allow Beach Road to be privately maintained and as per legal advice the request was denied;

WHEREAS staff and a member of Council met onsite with the North Bay Mattawa Conservation Authority (NBMCA) in the fall of 2022 with regards to Beach Road on both the Memorial Park Side and the Chiswick Line side as well as about an option for a driveway installed off of Chiswick Line;

WHEREAS the report received from the Regulations Officer of the NBMCA allowed for a driveway to be constructed off of Chiswick Line between the Provincially Significant Wetland and the property at 2356 Chiswick Line on the boundary of the Environmental Protection Zone.

WHEREAS the NBMCA commented on the environmental impact of upgrading Beach Road and further recommended that upgrading Beach Road from the Chiswick Line side would have the least impact to area wetlands and watercourse but if the Memorial Park side was to be upgraded an environmental assessment would be needed;

WHEREAS driveways off of Memorial Park Drive would not be permitted through the Provincially Significant Wetland as per NBMCA and Ministry of Natural Resources and Forestry;

WHEREAS there has been a significant amount of staff and Council time spent discussing Beach Road from June 2021 to present and further upwards of \$20,000 has been spent on this issue for staff and Council time, consultations with planner, chief building official and lawyer, engineer reports, etc.;

WHEREAS Council has received legal advice on their statutory responsibilities on keeping highways, seasonally maintained roads versus fully maintained roads, road design standards, changing status from seasonal to fully maintained roads and private roads versus seasonal roads;

WHEREAS the owners on the Chiswick Line side have applied for and been approved for both an entrance permit from the Township and a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (DIA) permit from the North Bay Mattawa Conservation Authority to allow a driveway off of Chiswick Line;

WHEREAS the township does not provide a standard for the condition or construction of a driveway except to regulate the installation of culverts that are placed on Municipal Road Allowances as per By-law 2021-24;

WHEREAS section 9.10.20.3 of the Ontario Building code requires access for the fire department equipment “by means of street, private roadway or yard.” and further staff allowed the start of the agriculture building on the Chiswick Line side after being told that the driveway will be installed off of Chiswick Line;

WHEREAS for the property on the Chiswick Line side, the new approved driveway will become the primary entrance and the original location will become the secondary entrance;

WHEREAS on January 26th, 2024 the owner of the Chiswick Line side came into the township office to tell staff that the culvert and driveway was being installed and picked up a building permit application for a dwelling;

THEREFORE be it resolved that the Council of the Corporation of the Township of Chisholm agrees that once the culvert is installed off of Chiswick Line and driveway is started with access through the private land, a building permit for a dwelling can be issued to the owners of the Chiswick Line side, lot legally known as Pt Lot 15 Con 11.

AND FURTHER since the township is behind on improving the current municipally maintained gravel roads by over \$1.2 million, Council will not be considering putting any resources into improving Beach Road meaning this section of road will remain, with current maintenance practices, as is;

AND FURTHER if the landowners are still considering upgrading a portion of Beach Road that the standard for construction would comply with recommendations from NBMCA and the Township’s Engineer using the MTO Geometric Design Standards Summary Tables, at the property owners expense;

AND FURTHER, until such time as a viable alternate solution is presented to council, no building permits will be issued to the Memorial Park Drive side properties unless there is direct access off of municipally maintained roads.

RECORDED VOTE

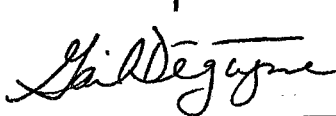
	For	Against
Paul Sharp	___	x
Claire Riley	x	___
Nunzio Scarfone	x	___
Bernadette Kerr	x	___
Gail Degagne	x	___

‘Carried’

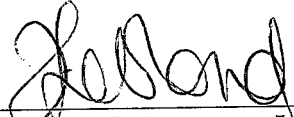
8. ADJOURNMENT

(a) Resolution re: Adjournment.

Resolution 2024-28 Claire Riley and Nunzio Scarfone: Be it resolved that this meeting now be adjourned. **‘Carried’**



Mayor, Gail Degagne



CAO Clerk Treasurer, Jennistine Leblond