

**TOWNSHIP OF CHISHOLM**

**COMMITTEE OF ADJUSTMENT MEETING**

**TUESDAY, FEBRUARY 7<sup>TH</sup>, 2012**

**CALL TO ORDER**

Chairperson Leo Jobin called the meeting to order at 7:00 p.m. with members Don Butterworth, Ken Frederick, and Ted Vanderklugt present. Councillor David Hodgins was absent with regret. Staff member in attendance was Clerk-Treasurer Linda Ringler. Tina Martin was the only guest in attendance.

**DECLARATION OF PECUNIARY INTEREST** - None

**APPROVAL OF AGENDA**

**Resolution 2012-01 (COA)**

Ken Frederick – Ted Vanderklugt: Be it resolved that the agenda be adopted as presented. ‘Carried’

**APPROVAL OF MINUTES**

**Resolution 2012-02 (COA)**

Don Butterworth – Ken Frederick: Be it resolved that the Minutes of the December 6<sup>th</sup>, 2011 Committee of Adjustment meeting be adopted as printed and circulated. ‘Carried’

**SUMMARY OF APPLICATION – MICHEL PERRON/CAROLE PERRON – CON. 16, PART LOT 7, LOT 8 AND LOT 9**

A facsimile letter, dated December 14, 2011, was received from the North Bay-Mattawa Conservation Authority (NBMCA) relating to File No. 2011-08, stating:

- The North Bay-Mattawa Conservation Authority (NBMCA) has reviewed the application with respect to the mandate of the Conservation Authority: Ontario Regulation 177/06 (Development, Interference with Wetlands & Alterations to Shorelines & Watercourses) as per Section 28 of the Conservation Authorities Act of Ontario and Part 8 (Private Sewage Disposal Systems) of the Ontario Building Code. The NBMCA also provides advice to the Township with regard to Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the Provincial Policy Statement (PPS) 2005.
- Graham Creek, as well as a small tributary of Graham Creek is found on the severed and retained portion. It appears that this tributary and the main branch of Graham Creek in the vicinity of this property have, at one time, been significantly altered. Graham Creek and its tributary are regulated by the NBMCA under Ontario Regulation 177/06. This regulation is pursuant to Section 28 of the Conservation Authorities Act of Ontario. It is required that the property owner(s) obtain a Development, Interference with Wetlands & Alterations to Shorelines and Watercourses (DIA) Permit from the NBMCA prior to undertaking any site alteration activities and/or any construction or renovation work on/near the tributary. Site alteration activities would include: the placement or removal of fill material of any kind, and/or the alteration of existing grades; as well as alterations to the reek and/or tributary.
- A site inspection was conducted on the property on May 31, 2011. Due to the size of the retained portion, it has been determined that there is adequate room to accommodate a replacement Class 4 septic system based on a 22 m<sup>2</sup> bed and a 3600 litre tank for a 3-bedroom single family dwelling. The severed portion had adequate room to accommodate an initial and a replacement Class 4 septic system (based on a 22m<sup>2</sup> bed and a 3600 litre tank for a 3-bedroom single family dwelling) should one be required in the future. Prior to any development on the above-mentioned property a Sewage System Permit is required under Ontario Regulation 350/06 of the Ontario Building Code.

- It is the NBMCA's understanding that the livestock facility that was thought to be located on Lot 8, Concession 16, has been removed. The applicant has advised that the livestock facility located on Lot 9, Concession 17 is to be removed shortly as it is no longer viable. Due to this information minimum distance separation (MDS) calculations will not be necessary for this application.
- Section 2.2.1 of the PPS directs that planning authorities shall protect, improve or restore the quality and quantity of water by: implementing necessary restrictions on development and site alteration to protect all municipal drinking water supplies and designated vulnerable areas.
- According to the Proposed Assessment Report for the North Bay-Mattawa Source Protection Area, Graham Creek and the tributary found on the severed portion have been identified as part of the Issue Contributing Area (ICA) (or a vulnerable area) which can result in the input of phosphorus to Callander Bay. A map indicating the ICA is attached. As per Ontario Regulation 315/10 of the Ontario Building Code, any septic systems within the ICA will be subject to the mandatory septic system re-inspection program. Mandatory inspections are to be conducted by the Conservation Authority every five years, after the approval of the Assessment Report.
- It is anticipated that a Drinking Water Source Protection Plan (DWSPP) will be ready for implementation in 2013. This plan will formulate policies to address threats to drinking water. In the absence of a DWSPP it is recommended that Best Management Practices be applied for the protection of water quality in these vulnerable areas. It is recommended that a 15 meter naturally vegetative buffer be maintained along these identified stream corridors.
- The Conservation Authority has no objection to this application.

**Resolution 2012-03 (COA)**

Ted Vanderklugt – Ken Frederick: Be it resolved that the application from Michel Perron and Carole Perron to sever one rural lot from Part Lot 7, Lot 8 and Lot 9, Concession 16, Parcels 923 and 13756, 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.

1. That this approval applies to the creation of one rural lot to be approximately 402 meters in frontage, and 1005 meters in depth and approximately 40 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 unless it can be demonstrated that a survey is not required because the parcel can be legally described.
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. Graham Creek, as well as a small tributary of Graham Creek is found on the severed and retained portion. It appears that this tributary and the main branch of Graham Creek in the vicinity of this property have, at one time, been significantly altered. Graham Creek and its tributary are regulated by the NBMCA under Ontario Regulation 177/06. This regulation is pursuant to Section 28 of the Conservation Authorities Act of Ontario. It is required that the property owner(s) obtain a Development, Interference with Wetlands & Alterations to Shorelines and Watercourses (DIA) Permit from the NBMCA prior to

undertaking any site alteration activities and/or any construction or renovation work on/near the tributary. Site alteration activities would include: the placement or removal of fill material of any kind, and/or the alteration of existing grades; as well as alterations to the reek and/or tributary.

3. A site inspection was conducted on the property on May 31, 2011. Due to the size of the retained portion, it has been determined that there is adequate room to accommodate a replacement Class 4 septic system based on a 22 m<sup>2</sup> bed and a 3600 litre tank for a 3-bedroom single family dwelling. The severed portion had adequate room to accommodate an initial and a replacement Class 4 septic system (based on a 22m<sup>2</sup> bed and a 3600 litre tank for a 3-bedroom single family dwelling) should one be required in the future. Prior to any development on the above-mentioned property a Sewage System Permit is required under Ontario Regulation 350/06 of the Ontario Building Code.
4. It is the NBMCA's understanding that the livestock facility that was thought to be located on Lot 8, Concession 16, has been removed. The applicant has advised that the livestock facility located on Lot 9, Concession 17 is to be removed shortly as it is no longer viable. Due to this information minimum distance separation (MDS) calculations will not be necessary for this application.
5. Section 2.2.1 of the PPS directs that planning authorities shall protect, improve or restore the quality and quantity of water by: implementing necessary restrictions on development and site alteration to protect all municipal drinking water supplies and designated vulnerable areas.
6. According to the Proposed Assessment Report for the North Bay-Mattawa Source Protection Area, Graham Creek and the tributary found on the severed portion have been identified as part of the Issue Contributing Area (ICA) (or a vulnerable area) which can result in the input of phosphorus to Callander Bay. A map indicating the ICA is attached. As per Ontario Regulation 315/10 of the Ontario Building Code, any septic systems within the ICA will be subject to the mandatory septic system re-inspection program. Mandatory inspections are to be conducted by the Conservation Authority every five years, after the approval of the Assesment Report.
7. It is anticipated that a Drinking Water Source Protection Plan (DWSPP) will be ready for implementation in 2013. This plan will formulate policies to address threats to drinking water. In the absence of a DWSPP it is recommended that Best Management Practices be applied for the protection of water quality in these vulnerable areas. It is recommended that a 15 meter naturally vegetative buffer be maintained along these identified stream corridors. **'Carried'**

Chairperson Leo Jobin provided an update to the Committee on the status of the draft Official Plan. Chairperson Jobin also updated the Committee on the township's efforts to prepare a Strategic Plan for the municipality, and member Don Butterworth expressed an interest in serving on the Committee.

## **ADJOURNMENT**

### **Resolution 2012-04 (COA)**

Don Butterworth – Ken Frederick: Be it resolved that we do now adjourn to meet again on March 6<sup>th</sup>, 2012, and thereafter on the 1<sup>st</sup> Tuesday of each month for the year 2012, if there are applications to process or business to conduct. **'Carried'**

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Chairperson

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Secretary