

# Corporation of the Township of Chisholm

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

Phone (705)724-3526 - Fax (705)724-5099 [info@chisholm.ca](mailto:info@chisholm.ca)

## AGENDA 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."*

### 2. NOTIFICATION OF PECUNIARY INTEREST

### 3. ADOPTION OF AGENDA

### 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

### 6. OPEN FORUM

### 7. NEW BUSINESS

- (a) Resolution regarding Beach Road

### 8. ADJOURNMENT

- (a) Resolution re: Adjournment.



## Corporation of the Township of Chisholm

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(705)724-3526 - Fax (705)724-5099

[info@chisholm.ca](mailto:info@chisholm.ca)

Gail Degagne, Mayor

Jennistine Leblond, CAO Clerk-Treasurer

### REQUEST TO BE HEARD BY COUNCIL FORM

Please note: Presentations and Delegations to Council are limited to fifteen (15) minutes in length. Persons desiring to present information to Council or to make a request of Council shall provide a completed "Request to be Heard by Council Form", to the Municipal CAO Clerk-Treasurer no later than **4:30 p.m.** on the **Wednesday prior to the scheduled Council meeting**. Submission of this form does not guarantee granting of delegate status for the meeting requested.

**Please print:**

Date of Council Meeting you wish to attend: Feb 8, 2024

Name and telephone number: Menno Miller

Speaker(s): "

Mailing Address: 1933 Memorial Park Drive

Please provide a brief outline of the topic/issue you wish to speak about and provide any supporting documentation that you will be presenting. The topic/issue listed below will be the only matter considered by Council. A presentation or delegation to Council is not a debate but a means to express an opinion on a topic/issue. Council may have questions at the end of the presentation.

- Beach Rd. To build up good enough to have  
building permits for dwellings off of it.

Signature: Menno L Miller Date: Jan 25 2025

Gail Degagne, Mayor  
 Jennistine Leblond, CAO Clerk-Treasurer

# Memorandum

**TO:** Council  
**FROM:** CAO Clerk-Treasurer – Jenny Leblond  
**DATE:** January 30, 2024  
**RE:** Special Council Meeting Re: Beach Road

This meeting was scheduled as an outcome of the Council meeting on December 12, 2023, where residents requested a private meeting to discuss Beach Road options.

## Introduction

The purpose of this meeting is to clarify for Council, the public and the residents, the events and interactions between the Township and the property owners of the vacant land along Beach Road between Chiswick Line and Memorial Park Drive. Staff and Council have spent many hours deliberating on this subject and are hoping we can clarify all the information and come to a consensus.

Staff began interaction back in 2021 with the previous owner as well as the current owners before the properties were sold/purchased. See the map below showing the locations of the vacant properties and the zoning.

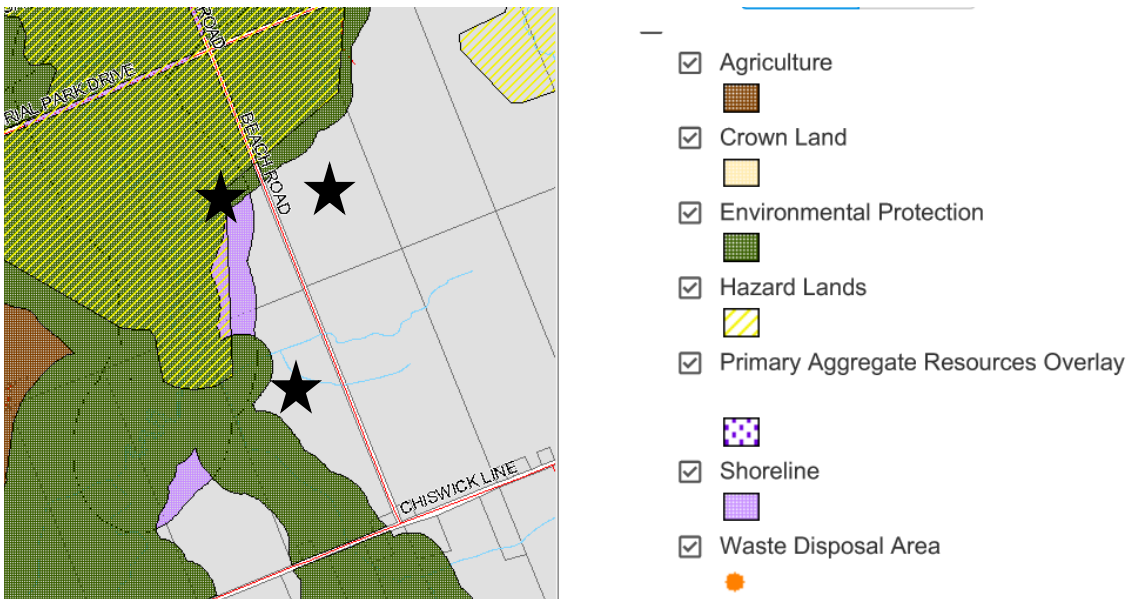


Figure 1: Schedule A, Township of Chisholm Official Plan

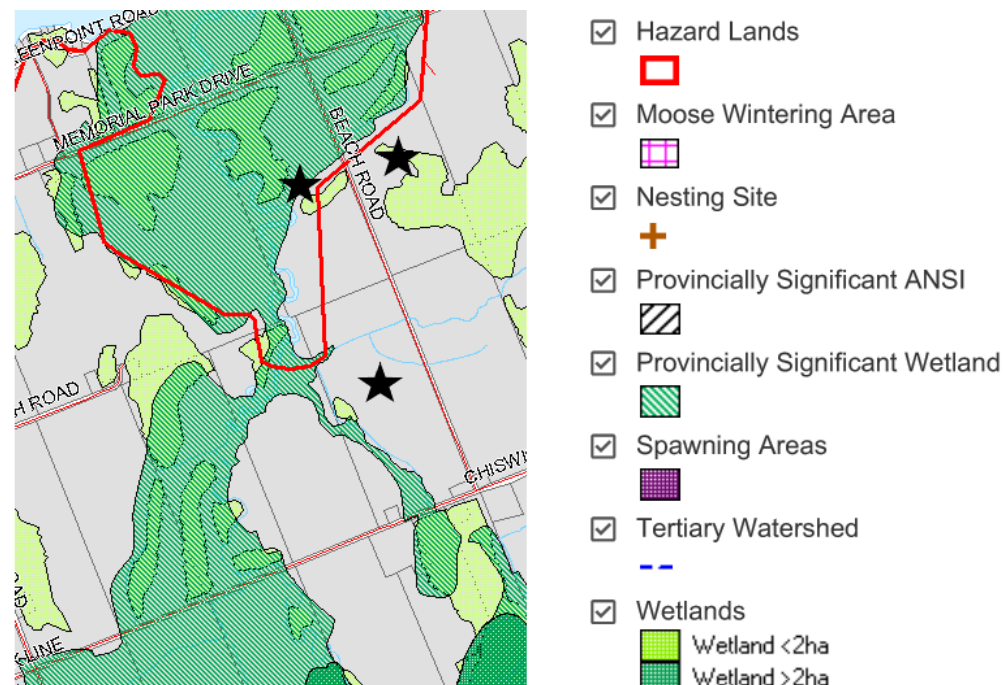


Figure 2: Schedule B, Township of Chisholm Official Plan

## **Background Information**

The properties have frontage along Chiswick Line and Memorial Park Drive. All three properties have a large portion that is zoned Environmental Protection and Shoreline, shown in figure 1, that covers all the frontage on Memorial Park Drive and the majority of frontage on Chiswick Line. This is due to a Provincially Significant Wetland, shown in Figure 2, that runs through the properties. The existing use of the properties has been Agriculture and is in accordance with the official plan and zoning by-law. This use can continue as long as there are no encroachments or further impacts to the Provincially Significant Wetland.

Beach Road is an open public road that is classed as a seasonally maintained road. The Township has only ever serviced this road by grading it at least once a season. Beach Road has always been used for farming access and to access Wasi Lake.

It is the Township's responsibility to provide services to residents in accordance with all Municipal by-laws as well as provincial laws and regulations. Whenever there is a new proposed use it is the Township's responsibility to ensure that all residents of the Township conform to the provincial laws and regulations as well as the Municipality's Official Plan and Zoning By-law. As per the Zoning By-law, new proposed residential use shall have direct access to a municipally maintained road.

## **Timeline of Events**

### **Property on Chiswick Line**

The property owner with frontage on Chiswick Line began conversation with the Township back in 2021 prior to purchasing. At the time of inquiry, staff made the owners well aware that there was a Provincially Significant Wetland and that a new residential use would have to conform to the Official Plan and Zoning By-law. The property was purchased in 2022. After many consultations with the owners of the property in regards to a residence and agricultural buildings, staff agreed to help them get started by releasing a permit for a barn on this property. The permit was released with the understanding that the owners were putting in a driveway off of Chiswick Line and would then submit an application for a residence. The owners were well aware, when they received the permit for the barn, that Beach Road was not maintained in the winter and spring months and is very limitedly maintained in the summer and fall months. In order to get a permit for a residence, the building would have to have direct access to the municipally maintained road.

The Township agreed they would allow a driveway off Chiswick Line through the Environmental Protection zone, with approval from the North Bay Mattawa Conservation Authority, and once the driveway entrance was installed, the Township would release a permit for a residence. The entrance permit was issued in September of 2023. There has not been any activity as of yet for the installment of the required culvert for this entrance. In mid January 2024 the Township staff had another conversation with the land owners and cleared up some of the misunderstandings and misinformation. The landowner confirmed that they will be installing the entrance and staff informed that a residence permit would be issued when this has been done, and that the landowners can start the building permit application process at any time.

### **The Properties on Memorial Park Drive**

The previous owner of these properties communicated with the staff requesting beach road be upgraded to a fully maintained road in May of 2021. This was in response of finding that the zoning of their property would not permit a driveway off of Memorial Park Drive. Staff sent a letter informing the previous owner as to the wording of the official plan in regards to upgrading the road and that if the landowners agreed to pay the cost of upgrading the road then the Township would assume the maintenance going forward. Staff had the engineer do a preliminary report to upgrade the north end of beach road.

The new property owners inquired about using beach road to build a residence. The letter that was sent to the previous owner along with the engineer report was sent to the new owner. Staff met with the Conservation Authority to discuss upgrading the road in the floodplain. After the information was shared with Council, the owners asked if they could use the road year-round to access their properties. Staff obtained legal advice in September 2022 which concluded that the road can be used to access the properties as is but legal did not advise to go this route if changing the use to residential. Staff have not had any further deliberation with these owners. The majority of the communication has

been with the Chiswick Line property owners as well as members of the community acting on their behalf.

### **Council Consideration**

The questions that Council have been asked to consider are the following:

- Will the Township consider issuing building permits for a residence off of beach road without upgrading the road?
- If the landowners upgrade the road can it be done below the minimum standard? Does the materials have to be to a standard as well?
- Would the Township consider upgrading the road and fully maintaining it year-round and bear all the costs associated with this?

### Attachments

Engineer Report for the North End of Beach Road

Engineer Report for the South End of Beach Road

Township of Chisholm  
2847 Chiswick Line, RR # 4  
Powassan, ON P0H 1Z0

Dear Jenny,

**REPORT LETTER - Beach Road**

This letter follows the request to review the requirements to upgrade Beach Road from Memorial Park Drive southerly for approximately 600m including a snowplough turnaround at the end, in order to bring that section of the roadway to Municipal Standards.

**Background:**

The following background information has been collected and communicated by staff:

1. Beach Road is presently servicing farmland including farmer's fields as a single lane Road;
2. The first portion of the roadway is in a flat land subject to flooding, it will therefore require a grade raise;
3. That portion of the roadway has approximately two culverts;
4. The Municipality has never passed a by-law establishing it as a Municipally Maintained Road;
5. The Municipality owns the 20m Road Allowance for Beach Road.

**Present practice:**

1. There are presently four (4) farmlands for a total of approximately 400acres with access to Beach Road, three (3) under one ownership, and one (1) under a separate ownership;
2. Beach Road is accessible from Memorial Park Road and from Chiswick Line;
3. Beach Road has historically been partially maintained by the Municipality in the summer as a Seasonal Road;

**General Comments**

For the purposes of this opinion report letter, Beach Road can be divided into 2 portions: firstly, the northern section that connects with Memorial Park Drive along Concession 12, that portion of about 1000m. Secondly, the southern section along Concession 11 to remain unchanged. The road was found to be relatively centered to the Road Allowance and with no portion considered as a forced road.

Typically, the straight portion of Beach Road is considered to be called a "highway" within the definition set out in s. 26 of the Municipal Act, 2001, because it is a road allowance made by crown surveyors and located in a Municipality.

**Potential for Liability:**

In the event of an accident, there is some risk to the Municipality since the road is located on a Municipal Road Allowance that is assumed to never have been closed.

Although it is not always obvious to obtain a clear answer on this question, staff should seek advice from the Municipality's insurer as to whether the Municipality would have coverage for an accident on the entire length of Beach Road.

For the remaining portion of Beach Road that will remain unchanged, the existing road width will continue to be sub-standard and not meet the minimum requirements. The Municipality would therefore start maintaining the 600m on the North end of Beach Road and continue to consider the remainder of Beach Road a Seasonally Maintained Road. The Municipality would simply continue its existing practice of partial summer maintenance only and should post it accordingly.

**1. Upgrade 600m on the North end of Beach Road to Municipal Standards**

This option would fulfil the recent request and would allow the Municipality to pass a by-law assuming that portion of Beach Road as a Yearly Maintained Road once it meets proper standards. The road would have to be surveyed at the turnaround to create the necessary land required for the construction of a proper turn around. This will require small land transfer to the Municipality. The existing Road being straight appears to be centered to the ROW. As such the requirement for widening will be to split the difference on both sides of the existing road.

A site visit was completed, and the average road width was established to be 3.35m wide, although slightly wider in some area. In order to bring this road to standard, it would have to be widened, culverts would need to be replaced and extended and the ditch line would need to be shifted away from the road where the widening occurs. The following standard, based on MTO guidelines is recommended for this road.

**GEOMETRIC DESIGN STANDARDS FOR SECONDARY HIGHWAYS (6% SUPERELEVATION)**

Design Speed	Design Year Traffic Volume		Max Grade	Width (metres)			Minimum Curves			Minimum Stopping Sight Distance
							Horiz.	Vertical		
km/h	AADT	DHV	%	Lane	Shoulder	Rounding	Radius (m)	K-Crest	K-Sag	m
50	400-1000	60-150	-	-	-	0.50	90	8	15	65
	<400	<60	12	2.75	1.00 (C)					

The above table provides the geometric design standards for the lowest class of road in Ontario. This standard is recommended with the assumption that the posted speed for this road would be reduced to 40km/hr, that is a 10km/hr below the design speed. The AADT will remain below 400. Furthermore, the proposed shoulder may be dropped to 0.5m based on the assumption that truck traffic will remain very low and that the Municipality does not anticipate to pave this road within the next 20 years. Therefore, the minimal road standard for Beach Road would be 2x2.75m+0.50m+0.50m or 7.5m wide (24.5ft). Based on this standard, a 4.5m widening is required to meet the minimal provincial geometric standard.

A preliminary cost estimate of carrying out this option has been determined as \$335,149.30 plus H.S.T. (before contingencies) with the assumption that the work would be contracted out. The estimate can be broken down as follows:

i)	Survey, Design, Inspection (upset limit):	\$ 17,500.00
ii)	Culvert Replacement and extension (x2):	\$ 27,000.00
iii)	Widening Cost (4.5m) including grade raise:	\$ 290,649.30
iv)	Contingencies (excavation & dewatering)	\$ 65,000.00
	<b>TOTAL:</b>	<b>\$ 400,149.30</b>

The above estimate was also made with the assumption that the water levels can be dropped from the Wasi Lake before construction in order to allow for the base excavation to remain in the dry. Contingencies were provided in the event that construction production is slowed down due to ground conditions. The estimate is also made on the assumption that the minimum required grade raise will be to add a total of 450mm (150mm of granular 'A' over 300mm of granular 'B') in the low-lying area. Quarry materials were selected for the cost estimate given the high-water table.

It is understood that the development cost above does not include utilities. In order to bring Hydro services to the turn around, Hydro One should be requested to provide a high-level estimate. It is anticipated that their cost estimate would range at approximately 55K (+/- 50%). Should the Township require utility services, these costs should be added above the road improvement.

**Recommendation:**

The first recommendation would be to draft an agreement to identify how the implementation of this project will be constructed including funds such as a deposit, letter of credit, etc..., project timelines, since the land is owned by the Municipality, clearly identify who will undertake the work. The latter shall include the need for some engineering work as well as survey work for the creation of a proper turnaround at the end of the 600m. The layout will be required to determine the physical location of the road, ditches in relationship to the Road Allowance. It will ensure to maintain the existing road centerline in order to provide the widening on both sides of the existing roadway.

A review of the road signage is also necessary, in doing so it will identify the portion of roadway that is maintained and that will remain un-maintained.

**Conclusion:**

I trust the above report provides a clear and useful overview of the preliminary costs and options that are available for Council to consider. Should Council have more specific question or would like to discuss this matter in further details, I would be available to attend a special meeting at their convenience.

Yours truly,

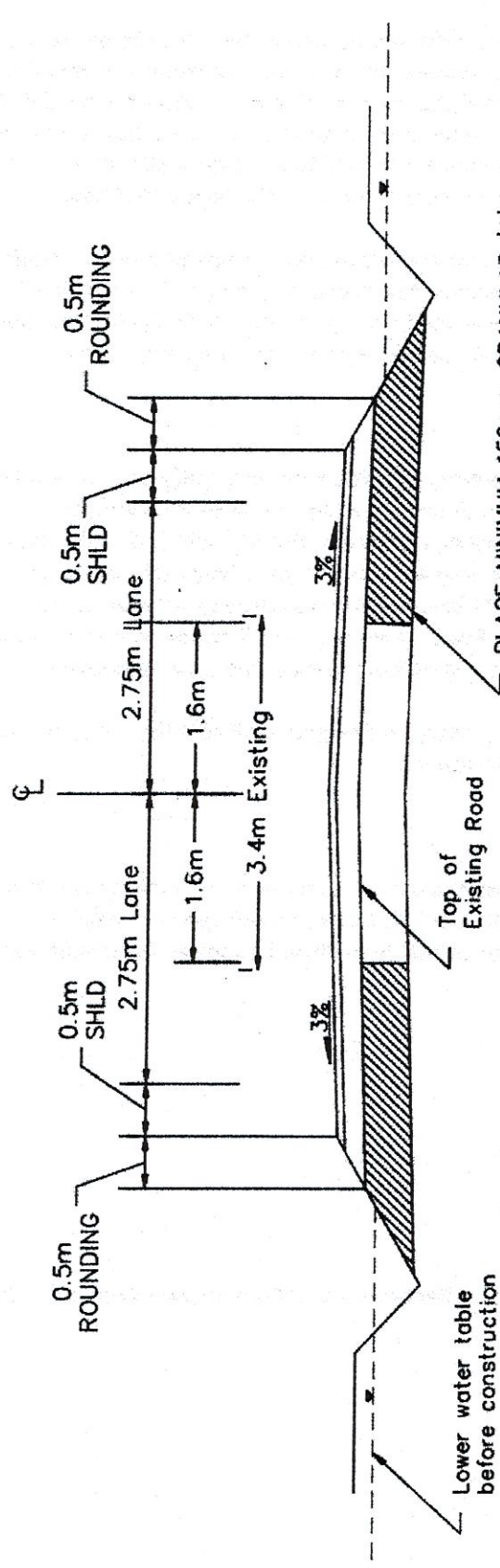


Antoine Boucher, P. Eng.  
Acting Municipal Engineer

Attached: 1) Typical Cross Section – Recommended Construction Work and Widening



**20m R.O.W.**



PLACE MINIMUM 150mm GRANULAR 'A'  
 PLACE MINIMUM 300MM GRANULAR 'B'  
 BACKFILL 600MM 'B' IN EXCAVATED AREA  
 LAY R270 GEOTEXTILE AT EXCAVATION BASE

**BEACH ROAD  
 SECTION A-A  
 N.T.S.**

Minimum Cross Section Standard

Assuming truck traffic remains low.  
 Proposed grade raise of 450mm (minimum) for  
 450m from Memorial Park Drive intersection

FOR CONSTRUCTION  
 OCTOBER 22/2021

Township of Chisholm  
2847 Chiswick Line, RR # 4  
Powassan, ON P0H 1Z0

Dear Jenny,

**REPORT LETTER - Beach Road – South Access from Chiswick Line**

This letter follows the request to review the requirements to upgrade Beach Road from Chiswick Line northerly for approximately 1400m including a snowplough turnaround at the end, in order to bring that section of the roadway to Municipal Standards. A prior review was done in 2021 for 600m southerly. I assumed that the turnaround would be at the same location, based on the total length of Beach Road being 2km, the difference of 1400m was set as the distance for the proposed improvement.

**Background:**

The following background information has been collected and communicated by staff:

1. Beach Road is presently servicing farmland including farmer's fields as a single lane Road;
2. Although relatively flat, the road way has some gentle sags and crests;
3. The low portion of the roadway has two small watercourse with a total of two culverts;
4. The Municipality has never passed a by-law establishing it as a Municipally Maintained Road;
5. The Municipality owns the 20m Road Allowance for Beach Road.

**Present practice;**

1. There are presently four (4) farmlands for a total of approximately 400acres with access to Beach Road;
2. There are two (2) properties fronting Chiswick Line located on the north-east and north-west corner intersection on the south end intersection of Beach Road;
3. Beach Road is accessible from Chiswick Line and from Memorial Park;
4. Beach Road has historically been partially maintained by the Municipality in the summer as a Seasonal Road;

**General Comments**

For the purposes of this opinion report letter, Beach Road can be divided into 2 portions: firstly, the northern section that connects with Memorial Park Drive along Concession 12, that portion of about 1000m was evaluated in 2021 where the first 600m on the north end would remain unchanged in this estimate. Secondly, the southern section along Concession 11 approximately 1000m long. The total length evaluated with this cost estimate is therefore the remaining 400m along Concession 12 and the 1000m along Concession 11 for a total of 1400m. The road was found to be relatively centered to the Road Allowance and with no portion considered as a forced road.

Typically, the straight portion of Beach Road is called a "highway" within the definition set out in s. 26 of the Municipal Act, 2001, because it is a road allowance made by crown surveyors and located in a Municipality.

**Potential for Liability;**

In the event of an accident, there is some risk to the Municipality since the road is located on a Municipal Road Allowance that is assumed to never have been closed.

Although it is not always obvious to obtain a clear answer on this question, staff should seek advice from the Municipality’s insurer as to whether the Municipality would have coverage for an accident on the entire length of Beach Road.

For the remaining portion of Beach Road that will remain unchanged, the existing road width will continue to be sub-standard and not meet the minimum requirements. The Municipality would therefore start maintaining the 1400m on the South end of Beach Road and continue to consider the remainder North end of Beach Road as a Seasonally Maintained Road. The Municipality would simply continue its existing practice of partial summer maintenance only and should post it accordingly.

**1. Upgrade 1400m on the South end of Beach Road to Municipal Standards**

This option would fulfil the recent request and would allow the Municipality to pass a by-law assuming that portion of Beach Road as a Yearly Maintained Road once it meets proper standards. The road would have to be surveyed at the turnaround to create the necessary land required for the construction of a proper turn around. This will require small land transfer to the Municipality. The existing Road being straight appears to be centered to the ROW. As such the requirement for widening will be to split the difference on both sides of the existing road.

A site visit was completed, and the average road width was established to be 3.35m wide, although slightly wider in some area. In order to bring this road to standard, it would have to be widened, culverts would need to be replaced and extended and the ditch line would need to be shifted away from the road where the widening occurs. The following standard, based on MTO guidelines is recommended for this road.

**GEOMETRIC DESIGN STANDARDS FOR SECONDARY HIGHWAYS (6% SUPERELEVATION)**

Design Speed	Design Year Traffic Volume		Max Grade	Width (metres)			Minimum Curves			Minimum Stopping Sight Distance
							Horiz.	Vertical		
km/h	AADT	DHV	%	Lane	Shoulder	Rounding	Radius (m)	K-Crest	K-Sag	m
50	400-1000	60-150	-	-	-	0.50	90	8	15	65
	<400	<60	12	2.75	1.00 (C)					

The above table provides the geometric design standards for the lowest class or road in Ontario. This standard is recommended with the assumption that the posted speed for this road would be reduced to 40km/hr, that is a 10km/hr below the design speed. The AADT will remain below 400. Furthermore, the proposed shoulder may be dropped to 0.5m based on the assumption that truck traffic will remain very low and that the Municipality does not anticipate to pave this road within the next 20 years. Therefore, the minimal road standard for Beach Road would be 2x(2.75m+0.50m+0.50m) or 7.5m wide (24.5ft). Based on this standard, a 4.5m widening is required to meet the minimal provincial geometric standard.

A preliminary cost estimate was prepared with the construction methodology based on the attached typical cross section for road widening. The limit of excavation may vary from the typical cross section and will be confirmed with Geotechnical investigation during construction. Additional silty clays, unsuitable and frost susceptible materials excavated are generally assumed part of the contingencies.

A preliminary cost estimate of carrying out this option has been determined as \$542,000.00 plus H.S.T. (before contingencies) with the assumption that the work would be contracted out. The estimate can be broken down as follows:

i)	Survey, Design, Inspection:	\$ 30,000.00
ii)	Culvert Replacement and extension (x2):	\$ 27,000.00
iii)	Widening Cost (4.5m) including grade raise:	\$ 435,000.00
iv)	Contingencies (excavation & frost heave repair):	\$ 50,000.00
	<b>TOTAL:</b>	<b>\$ 542,000.00 (plus H.S.T)</b>

Contingencies were provided in the event that frost heave repairs are required. During the site inspection, it was observed that some section of the road was soft in some section and that additional excavation was likely to be required. The estimate is also made on the assumption that the road structure will consist of an upper layer of 150mm of granular 'A' over 300mm of granular 'B'. Quarry materials were selected for the cost estimate.

It is understood that the development cost above does not include utilities. In order to bring Hydro services to the turn around, Hydro One should be requested to provide a high-level estimate. It is anticipated that their cost estimate would range at approximately 130K (+/- 50%). Should the Township require utility services, these costs should be added above the road improvement.

**Recommendation:**

The first recommendation would be to draft an agreement to identify how the implementation of this project will be constructed including funds such as a deposit, letter of credit, etc...., project timelines, since the land is owned by the Municipality, clearly identify who will undertake the work. The latter shall include the need for some engineering work as well as survey work for the creation of a proper turnaround at the end of the 1400m. The layout will be required to determine the physical location of the road, ditches in relationship to the Road Allowance. It will ensure to maintain the existing road centerline in order to provide the widening on both sides of the existing roadway.

A review of the road signage is also necessary, in doing so it will identify the portion of roadway that is maintained and that will remain un-maintained.

**Conclusion:**

I trust the above report provides a clear and useful overview of the preliminary costs and options that are available for Council to consider. Should Council have more specific question or would like to discuss this matter in further details, I would be available to attend a special meeting at their convenience.

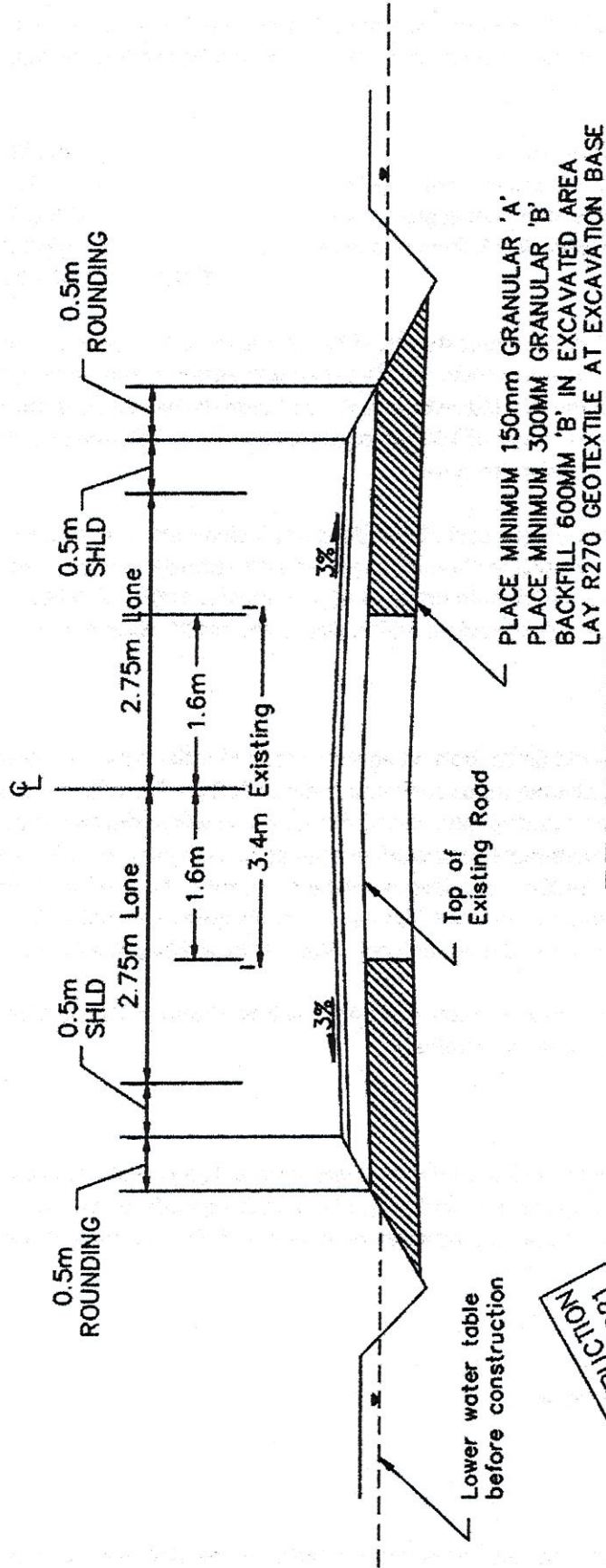
Yours truly,



Antoine Boucher, P. Eng.  
Acting Municipal Engineer

Attached: 1) Typical Cross Section – Recommended Construction Work and Widening

20m R.O.W.



**BEACH ROAD  
SECTION A-A  
N.T.S.**

Minimum Cross Section Standard

Assuming truck traffic remains low.

Proposed grade raise of 450mm (minimum) for 450m from Memorial Park Drive intersection

FOR CONSTRUCTION  
OCTOBER 22/2021

Proposed Resolution:

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 inquire 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 26<sup>th</sup>, 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 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;

AND FURTHER no building permits will be issued to these three properties unless there is direct access off of municipally maintained roads.