

**THE CORPORATION OF THE TOWNSHIP OF TAY
PUBLIC MEETING OF MUNICIPAL COUNCIL
PROPOSED ZONING BY-LAW AMENDMENT – 25 SALLOWS AVE
NOVEMBER 11, 2009
7:00 P.M.**

**MUNICIPAL OFFICE COUNCIL CHAMBERS
MINUTES**

PRESENT: Mayor Scott Warnock
Deputy Mayor Michael Ladouceur (Chair)
Councillor Nelson Baumgardner
Councillor Rick Black
Councillor Axel Frandsen
Councillor Bill Rawson

STAFF PRESENT: Alison Thomas, Clerk
Mara Burton, Director of Planning & Development
Joanne Sanders, Director of Finance
Nick Colucci, Director of Public Works

REGRETS: Councillor James Pearsall

1. CALL TO ORDER

The meeting was called to order at 7:02 p.m.

2. MOMENT OF SILENT REFLECTION

Mayor Warnock called for a moment of silent reflection.

3. DECLARATIONS OF PECUNIARY INTEREST

None were presented.

At this point, Mayor Warnock turned the meeting over to the Deputy Mayor Ladouceur, Chair of the Planning & Development Committee.

The Chair of the Planning & Development Committee announced that this is a Public Meeting of Council held in compliance with By-law No. 98-75 and Section 34 of the *Planning Act*. This meeting is being held with respect to Proposed Amendment to the General Zoning By-law Number 2000-57 for the property addressed as 25 Sallows Drive.

The Chair noted all persons present will be given the opportunity to ask questions and comment on the proposed amendment and that any person who requires further notice should give their name and address to staff prior to leaving the meeting. The Public Meeting provides the Committee with the opportunity to receive comments and/or concerns from residents on the proposed change in land use; however, please note that no further opportunity for public comment will be provided.

In addition the Chair noted that in accordance with the *Planning Act*, if a person does not provide comments at the Public Meeting or a written submission prior to the final Council decision the Ontario Municipal Board may, on an appeal; dismiss the appeal on the basis that no concerns were raised during the public process.

4. STATEMENT OF PUBLIC NOTICE

The Chair then called on the Director of Planning & Development to describe the method by which notice of this meeting was given.

The Director of Planning and Development reviewed the process of notice and notice of the Proposed Zoning By-law Amendment was mailed to all assessed persons having properties within 120 metres of the subject land and any agencies that may have an interest and was posted on the property on October 21st, 2009, therefore the 20 day notice requirement has been met.

5. STATEMENT OF CORRESPONDENCE RECEIVED

5.1 Report from the Director of Planning and Development – Proposed Zoning By-law Amendment – 25 Sallows Drive.

5.2 David and Ann Reid of 23 Sallows Drive advised that they have a drilled well under the wood step behind their garage and have provided a copy of their survey.

6. PRESENTATION OF A REPORT BY TOWNSHIP STAFF

6.1 Report from the Director of Planning and Development – Proposed Zoning By-law Amendment – 25 Sallows Drive.

The Director provided an overview of the proposed Zoning By-law Amendment to rezone the subject property from the Open Space “OS” Zone to the Shoreline Residential Exception Five “SR-5” Zone. The Director noted that this Shoreline Residential Zone is the same zone that applies to all of the lands in this neighbourhood. The exception is required in order to recognize the lot area of 1400 square metres and the lot frontage of 13 metres. Although if this lot were created today it would not meet the current requirements of the SR Zone which required a minimum lot frontage of 30 metres and a minimum lot area of 2000 square metres, the lot is an existing lot of record and is not out of character with the existing lots in the neighbourhood.

The Director reported that staff are aware that Plan 1174 was registered in 1954 or 1955 and that Lot 7, the subject property, is identified on the Plan as an "Area of User". This property went up for tax sale and was acquired by the Applicants. Prior to the tax sale, the Township sought legal advice on the question of area of common user and the Township's solicitor advised that "There is a notation on the plan of subdivision indicating that each owner in the plan would have a common right to use the land - - probably for access to the water. However, there is nothing recorded on the other titles on the plan and there is no legislation that would vest an interest in the land automatically. There has been no conveyance respecting Lot 7 since the plan was registered in 1954 or 1955, but it may be a title question that will have to be resolved by a buyer of Lot 7 but, unless the owners in the area can establish a right to use the land based on actual, long-term use, something that would have to have vested before the conversion to Land Titles in 2002, a buyer will probably take title free of those claims generally. From the Township's perspective, it can see only the interest of the assessed owner so it is a business as usual as far as the tax sale process is concerned."

The Director reported that following additional consultation that the Township would be obligated to issue a building permit on the property if an application was received. She noted that after her consultations that if the application complies with zoning regulations and there are no other barrier present from a planning perspective (e.g., an interim control by-law, site plan agreement, etc.), then the application should be approved by planning.

The applicant then noted that they have only recently discovered the location of the neighbours' well in proximity to their property and that they will work with them to address the matter.

7. QUESTION & CLARIFICATION PERIOD – PUBLIC

The Chair inquired if there were any questions from the audience in regards to this matter.

None were received.

8. SPEAKERS IN SUPPORT & OPPOSITION

The Chair inquired if there were any speakers in support or opposition in regards to this matter.

None were received.

9. QUESTION & CLARIFICATION PERIOD - COUNCIL

The Chair inquired if there were any questions from Council in regards to this matter.

Councillor Black inquired as to what steps are being taken to locate the septic bed in relation to the neighbours' well. The property owner advised that the tile bed will be shifted to accommodate the proposed well.

10. FINAL STATEMENT BY THE MAYOR

The Chair advised that in accordance with the *Planning Act*, if a person does not provide comments at the Public Meeting or a written submission prior to the final decision, the Ontario Municipal Board may, on an appeal, dismiss the appeal on the basis that no concerns were raised during the public process.

11. ADJOURNMENT

MOVED BY: COUNCILLOR RICK BLACK

SECONDED BY: COUNCILLOR AXEL FRANDBSEN

**THAT THIS PUBLIC MEETING PER PLANNING ACT
ADJOURNED AT 7:12 P.M.**

CARRIED.

MAYOR

CLERK

THE CORPORATION OF THE TOWNSHIP OF TAY
PUBLIC MEETING OF MUNICIPAL COUNCIL
OUTDOOR WOOD BURNING FURNACES
NOVEMBER 11, 2009
7:00 P.M.

MUNICIPAL OFFICE COUNCIL CHAMBERS
MINUTES

PRESENT: Mayor Scott Warnock
Deputy Mayor Michael Ladouceur (Chair)
Councillor Nelson Baumgardner
Councillor Rick Black
Councillor Axel Frandsen
Councillor Bill Rawson

STAFF PRESENT: Alison Thomas, Clerk
Mara Burton, Director of Planning & Development
Joanne Sanders, Director of Finance
Nick Colucci, Director of Public Works

REGRETS: Councillor James Pearsall

1. CALL TO ORDER

The meeting was called to order at 7:21 p.m.

2. MOMENT OF SILENT REFLECTION

Mayor Warnock called for a moment of silent reflection.

3. DECLARATIONS OF PECUNIARY INTEREST

None were presented.

At this point, Mayor Warnock turned the meeting over to the Deputy Mayor Ladouceur, Chair of the Planning & Development Committee.

The Chair of the Planning & Development Committee announced that this is a Public Meeting of Council regarding Outdoor Wood Burning Furnaces.

The Chair noted all persons present will be given the opportunity to ask questions and comment on the proposed amendment and that any person who requires further notice should give their name and address to staff prior to leaving the meeting. The Public Meeting provides the Committee with the opportunity to receive comments and/or concerns from residents on the proposed change in land use; however, please note that no further opportunity for public comment will be provided.

4. STATEMENT OF PUBLIC NOTICE

The Chair then called on the Director of Planning & Development to describe the method by which notice of this meeting was given.

The Director of Planning and Development reviewed the process of notice and advised that notices were circulated in the Midland Mirror on the October 22nd, 2009 and were mailed to a group of residents who appear to own outdoor wood burning appliances and to any agencies that may have an interest on October 21st, 2009, therefore the 20 day notice requirement has been met.

5. STATEMENT OF CORRESPONDENCE RECEIVED

5.1 Report from the Director of Planning and Development – Proposed Zoning By-law Amendment – Outdoor Wood Burning Furnaces.

5.2 Roger O. Gripton of 75 Bayview Avenue, the Vice President of Sales for Wolf Steel Ltd. (Napoleon Fireplaces) submitted comments on the proposed policies and highlighted that the policies should be more specific as there is a difference between certification levels and clean burning.

6. PRESENTATION OF A REPORT BY TOWNSHIP STAFF

6.1 Report from the Director of Planning and Development – Outdoor Wood Burning Furnaces.

The Director of Planning and Development reported that there have been concerns expressed about the use of outdoor wood burning furnaces or outdoor solid-fuel combustion appliance as it relates to nuisance effects from smoke and the effects on human health. As a result, the Township has studied the effects of these units.

The Director noted that Outdoor Wood Boilers are not typically installed for the occasional outdoor fire, but are generally the main source of heat, which means they typically burn 24/7 for 6 or 7 months a year. They are a wood fired boiler that is typically surrounded by a water jacket, in an insulated freestanding shed and are used to heat water that is carried by underground pipes to provide heat to a building. The Director outlined the various concerns and issues identified by Environment Canada related to the operation of outdoor wood burning furnaces. In particular, an increase number of government agencies note the health-related problems that may result from the operation of these units.

The Director reported that staff are proposing a series of zoning by-law amendments to regulate outdoor solid-fuel-combustion appliances (outdoor wood burning furnaces) in that they only be permitted in Rural and Agricultural Zones in accordance with the following provisions:

Cont'd....

- (a) Not more than one (1) outdoor solid-fuel-combustion appliance per lot accessory to a permitted main use;
- (b) The outdoor solid-fuel-combustion appliance can not be located closer than 45 metres to any lot line;
- (c) The outdoor solid-fuel-combustion appliance can not be located closer than 15 metres to any building;
- (d) The outdoor solid-fuel-combustion appliance must be fitted with a chimney no less than 3.6 metres in height from ground and must be equipped with a rain cap/spark shield.
- (e) That the perimeter around the outdoor solid-fuel-combustion appliance to a distance of 3 metres from the unit shall remain free from any combustible material.
- (f) Outdoor solid-fuel-combustion appliance must bear a certification mark certifying conformity with the Canadian CSA standard and/or US EPA standard.
- (g) Outdoor solid-fuel-combustion appliances shall be maintained so as not to cause a nuisance for more than two minutes in succession except during the starting or refueling of the appliance for a period not to exceed thirty minutes in any four-hour period.
- (h) Notwithstanding the provisions of Sections 4.12 “Legal Non-complying Building and Structures” any replacement of an outdoor solid-fuel-combustion appliance must meet the provisions of this By-law.

In conclusion, the Director reported that all of the input collected will be reviewed by staff and a report and recommendation will go back to Council for their consideration.

7. QUESTION & CLARIFICATION PERIOD – PUBLIC

The Chair inquired if there were any questions from the audience in regards to this matter.

None were received.

8. SPEAKERS IN SUPPORT & OPPOSITION

The Chair inquired if there were any speakers in support or opposition in regards to this matter.

None were received.

9. QUESTION & CLARIFICATION PERIOD - COUNCIL

The Chair inquired if there were any questions from Council in regards to this matter.

Councillor Rawson commented that images of proper clean Outdoor Wood Burning Furnaces would be useful as not all furnaces are polluters.

Councillor Black inquired as to whether or not the furnaces would be permitted in the urban areas. The Director advised that they would only be permitted in the rural and agricultural zones.

Deputy Mayor Ladouceur commented that if Environment Canada is planning on regulating these devices then why should the Township regulate these furnaces. The Director advised that the timeline for Environment Canada is currently unknown and by regulating these furnaces now many issues may be avoided or resolved, whereas otherwise under the provisions of the Zoning By-law related to noxious uses could result in the Township spending time and money addressing the problems after they arise which is more problematic.

Deputy Mayor Ladouceur inquired as to how many are known within the Township. The Director advised that staff are aware of 10 furnaces within the municipality.

10. FINAL STATEMENT BY THE MAYOR

The Chair advised that in accordance with the *Planning Act*, if a person does not provide comments at the Public Meeting or a written submission prior to the final decision, the Ontario Municipal Board may, on an appeal, dismiss the appeal on the basis that no concerns were raised during the public process.

11. ADJOURNMENT

MOVED BY: COUNCILLOR AXEL FRANDBSEN

SECONDED BY: COUNCILLOR RICK BLACK

**THAT THIS PUBLIC MEETING PER PLANNING ACT
ADJOURNED AT 7:44 P.M.**

CARRIED.

MAYOR

CLERK

**THE CORPORATION OF THE TOWNSHIP OF TAY
PUBLIC MEETING OF MUNICIPAL COUNCIL
PROPOSED ZONING BY-LAW AMENDMENT
ROBINS POINT ROAD
NOVEMBER 11, 2009
7:00 P.M.**

**MUNICIPAL OFFICE COUNCIL CHAMBERS
MINUTES**

PRESENT: Mayor Scott Warnock
Deputy Mayor Michael Ladouceur (Chair)
Councillor Nelson Baumgardner
Councillor Rick Black
Councillor Axel Frandsen
Councillor Bill Rawson

STAFF PRESENT: Alison Thomas, Clerk
Mara Burton, Director of Planning & Development
Joanne Sanders, Director of Finance
Nick Colucci, Director of Public Works

REGRETS: Councillor James Pearsall

1. CALL TO ORDER

The meeting was called to order at 7:13 p.m.

2. MOMENT OF SILENT REFLECTION

Mayor Warnock called for a moment of silent reflection.

3. DECLARATIONS OF PECUNIARY INTEREST

None were presented.

At this point, Mayor Warnock turned the meeting over to the Deputy Mayor Ladouceur, Chair of the Planning & Development Committee.

The Chair of the Planning & Development Committee announced that this is a Public Meeting of Council held in compliance with By-law No. 98-75 and Section 34 of the *Planning Act*. This meeting is being held with respect to Proposed Amendment to the General Zoning By-law Number 2000-57 regarding Part of Lot 16, Concession 8, being the lands behind the properties addressed as 141, 143, 145, 147 and 155 Robins Point Road.

The Chair noted all persons present will be given the opportunity to ask questions and comment on the proposed amendment and that any person who requires further notice should give their name and address to staff prior to leaving the meeting. The Public Meeting provides the Committee with the opportunity to receive comments and/or concerns from residents on the proposed change in land use; however, please note that no further opportunity for public comment will be provided.

In addition the Chair noted that in accordance with the *Planning Act*, if a person does not provide comments at the Public Meeting or a written submission prior to the final Council decision the Ontario Municipal Board may, on an appeal; dismiss the appeal on the basis that no concerns were raised during the public process.

4. STATEMENT OF PUBLIC NOTICE

The Chair then called on the Director of Planning & Development to describe the method by which notice of this meeting was given.

The Director of Planning and Development reviewed the process of notice and advised that notices were mailed to all assessed persons having properties within 120 metres of the subject land and any agencies that may have an interest on October 21st, 2009, therefore the 20 day notice requirement has been met.

5. STATEMENT OF CORRESPONDENCE RECEIVED

5.1 Report from the Director of Planning and Development – Proposed Zoning By-law Amendment – Robins Point Road.

No additional correspondence was received.

6. PRESENTATION OF A REPORT BY TOWNSHIP STAFF

6.1 Report from the Director of Planning and Development – Proposed Zoning By-law Amendment – Robins Point Road.

The Director provided an overview of the proposed Zoning By-law Amendment to rezone the subject property from the Rural “RU” Zone to the Shoreline Residential Exception One “SR-1” and the Shoreline Residential Exception Two “SR-2” Zones in order to facilitate a proposed severance application adding lands to the rear of the properties addressed as 141, 143, 145, 147 and 155 Robins Point Road.

The agent for the property owner commented that the intent is to create building lots of similar size to neighbouring properties. In addition, he reported that an environmental assessment has been completed and submitted to the Township. He made note that as a result of environmental assessment it was noted that changes may be made with minimal effect on the woodlot.

7. QUESTION & CLARIFICATION PERIOD – PUBLIC

The Chair inquired if there were any questions from the audience in regards to this matter.

None were received.

8. SPEAKERS IN SUPPORT & OPPOSITION

The Chair inquired if there were any speakers in support or opposition in regards to this matter.

Mr. John Murray, 150 Robins Point Road advised that he used to have two lots that were deemed together to be one and that he is seeking to obtain additional lands so that he can have the lot area to recreate the lots.

9. QUESTION & CLARIFICATION PERIOD - COUNCIL

The Chair inquired if there were any questions from Council in regards to this matter.

Councillor Black inquired about previous applications for severance and as to whether or not the subject parcel is a protected woodlot. The Director advised that the woodlot is designated in the Official Plan as Environmentally Protected and that when we had approved the previous zoning for the lot additions it was on the understanding that there would be no more applications. She noted that she will comment further on her final report back to Council on the proposed rezoning.

Deputy Mayor Ladouceur inquired whether the applications would have no impact on the woodlot to which the Director advised that she would not say that and would address this in her final report back to Council.

10. FINAL STATEMENT BY THE MAYOR

The Chair advised that in accordance with the *Planning Act*, if a person does not provide comments at the Public Meeting or a written submission prior to the final decision, the Ontario Municipal Board may, on an appeal, dismiss the appeal on the basis that no concerns were raised during the public process.

11. ADJOURNMENT

MOVED BY: COUNCILLOR RICK BLACK

SECONDED BY: COUNCILLOR AXEL FRANDBSEN

**THAT THIS PUBLIC MEETING PER PLANNING ACT
ADJOURNED AT 7:20 P.M.**

CARRIED.

MAYOR

CLERK