



**THE PUBLIC MEETING OF COUNCIL  
OF THE TOWN OF ESPANOLA**

**November 12, 2019  
7:00 pm  
Council Chambers, 100 Tudhope Street**

Mayor Beer presided over the meeting.

Present: Councillors R. Dufour, K. Duplessis, B. Foster, H. Malott, M. Van Alstine

Absent: S. Hayden

Staff: P. Roque, C. Townsend, T. Denault-Roque

**A. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF**

None

**B. PUBLIC HEARINGS**

**B.1 Consent Application No.: B-01/19, B-02/19, B-03/19**

Applicant: Gilles & Paula Lariviere - Agent: DS Dorland Ltd

Purpose: Each severance to create a new lot, 1.25 ha, 1.06 ha and 1.05 ha, access via Spanish River

Zoning Bylaw Amendment Application No.: Z-03/19

Purpose: To change the Zoning on the affected lands from W (Waterfront) to WR (Waterfront Residential) and an exception to Section 3.9 of Zoning Bylaw 2368/11

Location of Property: Lands subject to consent applications B-01/19; B-02/19; B- 03/19, part of MERRITT CON 5 LOT 11 PCL 6409

Gilles and Paula Lariviere, Applicants; D. Dorland, DS Dorland, Agent; B. Poulson, Poulson Law; Sarah Vereault, Planner, JL Richards & Associates Ltd were present.

The Clerk advised that written submissions were received from area residents; no further comments were received. The Mayor asked Ms. Vereault to provide

Ms. Vereault provided Council with a summary of the application and her professional planning opinion and recommendation. She advised that the 3 lots were proposed as seasonal, residential uses, they are not consistent with the Provincial Policy Statements and they do not conform to the Town's Official Plan in regards to the proposed water access only development. Therefore, their report does not recommend approval of the applications.

She explained that following meetings with the applicant and a site visit it was determined that there is a 60 ft change from the River to the lots themselves where the proposed construction would be, which is a significant concern for access. She also advised that there is a trail that is being used and is located at the end of Second Ave, this causes concern that this will be used as an access point for the 3 lots. She further explained this would not be consistent with the Provincial Policy Statement nor the Town's Official Plan.

Ms. Vereault advised that although low density, rural development on private services is typically positive for the rural area, it is the access to these properties that is cause for concern. They cannot recommend the construction of the lots with access via the unopened road allowance because it does not conform to the Policy that permits development only where infrastructure is planned, available or avoids unnecessary expansion of services. She further advised that potential use of the unopened road allowance would put pressure on the Town to expand and provide access via that area.

Ms. Vereault advised that under the Official Plan, these lots are designated rural and waterfront which does permit low density, recreational development and recreational use on private services such as water and wastewater, however they feel the proposed water access does not meet the Official Plan requirements with regards to providing access. In addition, the Town's policy does not encourage unopened road allowances as minor extensions to facilitate severances and that severances can be permitted on the basis of water access only if there is confirmed access and parking and that that access is viable.

The Mayor asked if the Applicant or the Applicant's Agent would like to speak to the Applications.

Mr. Lariviere, Applicant shared information on why he and his wife purchased the property. He spoke of the public boat launch that is maintained by the government less than a mile away for water access; additionally, there are public launches in Massey and Spanish that do not have restrictions for overnight parking. He further advised that if

parking is an issue he owns 14 acres in Massey on the River that would allow parking.

He explained that when he visited the property he advised a resident that if they decide they wanted to use the road he had no intentions of keeping people from walking the trail. On his lawyer's advice he put up No Trespassing Without Consent signs and handed out consent forms to allow people to continue using the trail. He further advised that his plans were to have a managed forest program to build trails and benches and he would allow everyone to use them. Mr. Lariviere explained that he was upset that some of the residents that signed the petition stating that it was not a motorized road and were concerned that the Bylaw Officer was not enforcing it, yet they are using it to park their motorhomes on his neighbour's property.

Mr. Dorland advised that he and Mr. Poulson now has a different proposal that provides an alternate solution to conform to the Official Plan and Provincial Policy Statements. He circulated handouts and maps to Council that contained the history of the road, which he suggested shows it as an open, public, colonization road. He further advised that the Health Unit has approved the site for development and that there were two legal accesses to the property, one by water the other by road.

Mr. Poulson proposed that Council enter into a No Demand for Public Services Agreement that would be registered on title that would address the concerns found in the JL Richards report that suggests additional pressures would be placed on the Town to increase services.

Mike Brady, local resident stated he was concerned with what was taking place. He advised the reason he purchased his property was for the quiet location and recapped the questions and comments that were submitted to Council by the local area residents, which included:

What are the long term plans for this area located at the west end of Second Avenue?

What type of dwellings are to be built? Are trailers going to be the dwellings? How many? Now and proposed? We presently have a trailer park in Espanola at Lee Valley and Queensway. We do not need another one.

There is a clearly displayed sign at the end of the second street pavement stating no motorized vehicles beyond this point. Yet, he has witnessed vehicles going past this sign and up the road.

Where is the Bylaw Enforcement Officer? It would seem that the restriction has been ignored. Why is the bylaw not being enforced?

Where has the brush and debris been placed from the initial clearing. We know that clearing has been taking place over the past few months. Has there been any environmental assessments

concerning clear cutting, debris disposal, filling in natural water routes, wildlife etc.?

The embankment to the Spanish River is approximately 60 ft vertical below the property in question. River access is almost impossible. How does the owner plan to bring in building material, trailers, etc. from the river? It would seem that the only option is by road. We disagree with this option. What access would these dwellings have to the water? Have proper permits been issued for access to the water? It should be noted that the Espanola Boat Launch does not allow overnight parking.

What is "exception to Section 3.9 of the Zoning Bylaw 2698/11?" Does this mean no increase traffic on Colonization Road in this area?

Are there presently trailers on this property? Is this legal? How were they transported there?

Will this proposal result in increased traffic on Second Street? We presently do not have sidewalks on this section of Second Street. Will there be sidewalks built for pedestrians due to increased traffic?

There are many children on this street that will be affected by the increased traffic.

The section of Second Street west of Barber was not designed for heavy traffic. It is very narrow. Increased traffic deteriorates the road, as does any heavy equipment used to start the proposed construction.

What about increased traffic on the sensitive Spanish River if approved. Has this been investigated?

Will there be additional streetlights? Some areas of this dead end road have no streetlights.

We have heard baiting of bears taking place on this property. Is this legal? It seems we have an increased black bear presence in this neighbourhood, Is this a result of bear baiting? Will there be hunting in this area? Should this area adjacent to a heavy residential area be "No hunting?" The Town of Espanola should revisit the Firearms Bylaw #2722/16.

It should be noted that the three lots that have been requested for severance will fall under Schedule "A" with no hunting. Will hunting be allowed on both sides of these lots?

If these 3 lots are severed, what are they doing for septic systems?

What about Waste Management Services, Recycling and Emergency Services to this area?

We also have major concerns of fires in this area especially if they are cutting and burning and use of heavy construction equipment. This area is directly west to northwest from our houses.

Mayor Beer advised Mr. Brady that tonight would be for presentations and any questions would be answered at a later date.

Mr. Grant Lewis, local resident requested clarification on Mr. Poulson's comments regarding no increases to services and referred to emergency, fire and garbage pick-up services. Mr. Lewis also questioned the hunting regulations for that area and suggested that Bylaw be reviewed.

Mr. Brady asked what the long term plans were for that area and questioned if they will be back before Council in 2-3 years.

Mr. James MacKay, local resident spoke of the increase to wild animals in the area and the safety concern associated with children playing there.

Mr. Bob Towns, local resident suggested that Council determine if the road is private or not and its legal definition, if water access is viable and if fire vehicles can get down that road. He questioned the types of buildings that would be erected and provided an example of another location up the River, expressing potential environmental concerns there, stating that would affect him as a property owner. He cautioned Council that just because an Agreement is in place the Town would still be liable should anything happen. Mr. Towns also suggested the Firearms Bylaw needs to be updated.

Mr. Clint Penner, Property owner of 62 acres to the west of the applicants spoke to some of the concerns that were brought forward. He advised that he owned approximately .5 miles of shoreline that does not have a 60 ft slope to the water. He stated that baiting bears is not taking place. He provided measurements of streets in the area to compare widths to Second St. Mr. Penner stated there were no trailer parks being proposed and advised that any hunting regulations fall within the Ministry's guidelines. Mr. Penner also advised that this property is rural and does not have fire hydrants, like others in rural areas. He stated he is in support of the application.

Mr. Dan Bouchard, potential buyer of one of the proposed new lots spoke of both the boat and road access and stated he may retire there. He advised he was there in support of the applicant.

Mr. Dorland suggested some of the comments he heard are standard. He suggested that 3 lots a mile away shouldn't make a difference and advised that clearing brush and debris are not a crime. He stated that 3 septic beds will not make a difference, and that septic has already been approved. He advised that waste

management will be done privately. He repeated that the road is a public road and has been for 110 years. Mr. Dorland suggested the increase in traffic would be insignificant and that these would be seasonal dwellings.

Councillor Dufour asked what the plans are for future development. Mr. Dorland advised that any future development would need to be brought to Council, however right now they are looking for approval on three lots only.

Ms. Vereault addressed some of the questions that were asked by area residents during the public hearing. She advised that the Town may not have been aware of the shed and trailer on the property prior to the site visit, it will be up to the Town to determine how they would like to pursue dealing with that to get compliance. In response to the question regarding the meaning of exception to Section 3.9 of the Zoning Bylaw 2368/11; Ms. Vereault advised that was required because her understanding of the application was that there wasn't any frontage being provided on an improved road, which is a requirement of the Bylaw, without frontage an exception needed to be included. Ms. Vereault explained that under the current Bylaw, uses such as mobile homes, RV's or Trailer Parks would not be permitted. In regards to future development in the area, Ms. Vereault advised that severing of previous severed lots in rural and waterfront areas is not encouraged under the Official Plan as well it is limited to 3 severances for properties larger than 30 hectares.

Ms. Vereault's concluding comments stated that the Town's Official Plan follows the Provincial Policy Statements. She advised that growth and development is generally directed to serviced areas of the municipality. She advised that this application was submitted on the basis of water access, which formed the basis of her review. While on the site visit, she became aware of the potential road access which was then reflected in the report. She stated that the information regarding the road being public access was just provided this evening and she would recommend having the opportunity to review that information with the Town. She further explained that there are still sections of the Official Plan which state new development can occur on an improved public road which is maintained year round. Ms. Vereault advised that their recommendation still remains the same and that the application does not conform to the Official Plan.

Councillor Dufour suggested that the property owner would still be able to do whatever he chooses with his own property. Ms. Vereault corrected him stating that the Zoning Bylaw applies to all property within the Town of Espanola and provided examples of requirements of the Bylaw.

Mayor Beer advised that a decision will not be made tonight, however this item will be brought to the November 26th Regular Meeting for a

decision; allowing Council to ask additional questions and consider everything that has been stated this evening.

Staff was directed to have a report prepared for the next meeting to include the definition of Colonization Rd; reports from the Fire and Police regarding emergency access and liability concerns, even if an Agreement were in place. Staff was directed to have a lawyer review all the information and provide comments on any implications, including long term implications, of accepting or rejecting the proposal.

This portion of the meeting closed at 8:35 pm.

**C. DELEGATIONS**

None

**D. QUESTION PERIOD**

None

**E. PART 1 - CONSENT AGENDA**

**Moved By** M. Van Alstine

**Seconded By** R. Dufour

CA-19-19 Be It Resolved That: Items F.1 to K.2 inclusive contained in Part 1, Consent Agenda be adopted.

**Carried**

**F. ADOPTION OF MINUTES**

**19-217**

**Moved By** K. Duplessis

**Seconded By** B. Foster

Be It Resolved That: The following Minutes are hereby accepted; Special Meeting of Council of October 22, 2019; Regular Meeting of Council of October 22, 2019; Special Meeting of Council of October 22, 2019; Special Meeting of Council of October 23, 2019.

**Carried**

**G. BOARD AND COMMITTEE REPORTS**

**19-218**

**Moved By** H. Malott

**Seconded By** R. Dufour

Be It Resolved That: The following board and committee reports are hereby received: Committee of the Whole Meeting Minutes of October 22, 2019.

**Carried**

**H. MATTERS ARISING FROM THE "IN CAMERA SESSION"**

None

**I. BUSINESS ARISING FROM BOARD AND COMMITTEES**

None

**J. BYLAWS AND RESOLUTIONS**

**J.1 Confirmatory Bylaw**

**19-219**

**Moved By** H. Malott

**Seconded By** R. Dufour

Be It Resolved That: Bylaw No 2943/19 be adopted, being Bylaw of the Town of Espanola to confirm the proceedings of the Council at its Meeting of October 22, 2019.

**Carried**

**K. REPORTS**

**19-220**

**Moved By** H. Malott

**Seconded By** R. Dufour

Be It Resolved That: The following reports are hereby received: Board of Health for Public Health Sudbury & Districts Meeting Minutes of October 17, 2019; Town of Espanola Non Profit Housing Corporation Meeting Minutes of September 3, 2019.

**Carried**

PART 2 - REGULAR AGENDA

**L. BYLAWS AND RESOLUTIONS**

**L.1 Resolution regarding the Connecting Link Program**

**19-221**

**Moved By** K. Duplessis

**Seconded By** B. Foster

Be It Resolved That:

1. The submitted Application meets the requirements of MTO's Connecting Links Program as described in the Program Guide;
2. A comprehensive Asset Management Plan including connecting links has been completed and publically posted;
3. The municipality will comply with the conditions that apply to designated connecting links under the Highway Traffic Act to ensure the safe and efficient movement of provincial traffic;
4. The project put forward in the application will be completed and the milestones met as stated in the Application; and



5. The Application is complete and factually accurate.

**Carried**

**L.2 Resolution regarding Support of Local Health Care Services**

**19-222**

**Moved By** K. Duplessis

**Seconded By** B. Foster

Be It Resolved That: Council for the Town of Espanola supports resolution No 533-2019 from the Town of Kingsville regarding Local Health Care Services as attached; and that a copy of this resolution be forwarded to the Premier of Ontario; Ministry of Health and Long Term Care; local MPP and the Board of Health for Public Health Sudbury and Districts.

**Carried**

**L.3 Resolution regarding Municipal Amalgamation**

**19-223**

**Moved By** B. Foster

**Seconded By** K. Duplessis

Be It Resolved That: Council for the Town of Espanola hereby supports the Resolution of the Town of Penetanguishene regarding Municipal Amalgamation as attached; and that a copy be sent to the Premier of Ontario, Deputy Premier, Minister of Municipal Affairs; Andrea Horwath, Leader of the NDP; all MPP's in Ontario and AMO.

**Carried**

**M. CORRESPONDENCE FOR INFORMATION ONLY**

None

**N. INFORMATION**

**This information was previously circulated to Council. If required a copy of the information is available at the Municipal Office.**

Town of Blue Mountains Resolution re: Integrity Commissioner Matters

MPP for Mushkegowuk-James Bay correspondence re: Bill 125, Making Northern Ontario Highways Safer Act, 2019.

**O. CONFERENCE AND CONVENTIONS**

ROMA Conference - Toronto ON January 27<sup>th</sup> – 29<sup>th</sup>, 2020.

**P. MAYOR AND COUNCILLOR REPORTS AND ANNOUNCEMENTS**

**Remembrance Day Ceremony** Councillor Foster advised that the ceremony was well attended.

**Non Profit Housing Board** Councillor Van Alstine commented that the Library is proposing a program where books can be ordered and exchanged at the hospital.

**Councillor Van Alstine** will not be in attendance for the Regular Council Meeting of November 26, 2019

**Conference Call** Mayor Beer advised that she sat in on an informative conference call regarding provincial approvals to landfill sites.

**Q. FUTURE COUNCIL/COMMITTEE MEETINGS**

Community Services Committee Meeting of November 19, 2019 @ 4:00 pm  
Committee of the Whole Meeting of November 26, 2019 @ 6:00 pm  
Regular Meeting of Council of November 26, 2019 @ 7:00 pm

**R. ADJOURNMENT**

Be It Resolved That: The Regular Meeting of Council is hereby adjourned.

Time: 8:46 pm

**S. CLOSED MEETING (if required)**



Jill Beer  
Mayor



Paula Roque  
Clerk