



The Corporation of the Township of Perry

MINUTES

PUBLIC MEETING

**Lot 26, Registered Plan No. 175, in the Township of Perry
172 Churchill Gardens Road
(Pollard-Josling).
Wednesday, March 4, 2015
7:12 p.m.**

Council Chambers, 1695 Emsdale Road, Emsdale, Ontario

Any and All Minutes are to be considered Draft until approved by Council at the Regular Meeting of Council

IN ATTENDANCE

Mayor: Norm Hofstetter
Councillors: Jim Cushman; Margaret Ann MacPhail; Jeff Marshall & Les Rowley
Clerk/Administrator: Beth Morton
Members of the Public: See Visitors List for Regular Meeting, March 4th, 2015

Resolution No. 2015-101

Moved by: Jeff Marshall

Seconded by: Margaret Ann MacPhail

Be it resolved that the Council of the Township of Perry does hereby now adjourn from this Public Meeting at 7:12 p.m. in order to commence a 'Public Meeting' for the purpose of hearing comments from members of the public with regard to a proposed Zoning By-law Amendment for lands located at 172 Churchill Gardens Road, legally described Lot 26, Registered Plan No. 175, in the Township of Perry (Pollard-Josling).

Carried.

Mayor Hofstetter as the Chair advised that this is a Public Meeting to hear public comments and answer questions regarding the proposed Zoning By-law Amendment at 172 Churchill Gardens Road to allow for the construction of a boat house approximately 83 square metres in size. He noted that the Planning Act requires that a statutory Public Meeting be held to receive these comments and to allow for public input before Council decides whether or not to pass the By-law.

He outlined how the Public Meeting would be conducted. He stated that the Clerk would advise as to when, how and to whom notice of the public meeting was circulated and confirm proper notice was given.

He noted that the public meeting is not a public debate on a matter. The public will be afforded the opportunity to provide their comments or questions. He outlined that persons in favor of the application would go first. Those in opposition to the application would follow. He also advised that people providing comments or questions are asked to present them through him as the Chair.

Following the public comments, the planning consultant will be asked to respond to any questions that have been asked.

He then noted that Council will then have the opportunity to question the applicants, their consultants or planning consultants. He also advised that Council will consider the Zoning By-law at the April 1st Regular Meeting of Council. He stated that all persons addressing Council must state their full name, full mailing address and postal code and must direct their comments through the Chair.

Mayor Hofstetter then request that the Clerk advise as to how and to whom notice of the public meeting was circulated.

The Clerk advised that Notice of this Public Meeting was given by posting the application on the Township's website, www.townshipofperry.ca on February 6, 2015; forwarding it to all persons and public bodies as prescribed under the Ontario Planning Act Regulation, including owners within 600' feet of the applicant's property; and to those requested.

Mayor Hofstetter then declared this to be a public meeting to deal with the proposed Zoning By-law amendment. He then requested that the Township's planner, Jim Dymont of MHBC Planning, describe the proposal and provide a summary of the planning report that has been received by Council.

Mr. Dymont provided a brief overview of the application for the construction of a boat port. The Township's Zoning By-law does not provide a definition for a boat port, therefore it is not a permitted use under the By-law. He proceeded to outline how application does not comply with a number of conditions of the Zoning By-law. He noted the maximum width, maximum size, and the lot coverage are all in excess to what is currently permitted. The drawings also propose a roof top deck on top of the boathouse and the possibility of habitation, which are both not permitted under the current Zoning By-law. The Zoning By-law permits the development of small scale boathouses to ensure development has minimal impact on the shoreline and the character of the surrounding area.

Mr. Dymont also advised that the Official Plan came into force on January 3, 2014. The goals of the Township's Official Plan listed in Section A3 are premised on the principles of environmental, economic and social sustainability. The protection of the natural heritage system is a key underlying principle of the Plan. The intent of the Official Plan is to support innovative and sustainable development policies and practices to protect the natural environment. The Township's Official Plan places a strong emphasis in the shoreline designation on maintain the character of the shoreline through protection of the natural environment and the ecological functions. Where boathouses are permitted, they should have minimal impact and minimum impact on the natural quality of the shoreline. The proposed boathouse will occupy a significant portion of the subject lands shoreline. While boathouses are permitted along the shoreline, the intent of the OP is for development to have a minimal impact on the natural quality of the shoreline and character of the area in terms of built form.

Mr. Dymont's recommendation is that the application be refused on the basis that it is not in conformity with the Official Plan and does not comply with the intent of the Zoning By-law. The application does not reflect appropriate planning for this area.

Mayor Hofstetter then asked the applicant and/or their representative to provide their comments on the proposal.

Lanny Dennis, of Wayne Simpson and Associates stood and advised that he was representing the applicants. Mr. Dennis explained how the applicants had been working with the Township on the design prior to the enactment of the Zoning By-law. The owners have spent considerable time and money on detail design drawings, however they have had unfortunate family issues that kept them at bay in terms of following the progress of the new Zoning By-law. Plans were submitted on July 25, 2014 for approval, however the Zoning By-law was approved July 16, 2015. In an act of good faith, the applicants chose not to appeal the Zoning By-law with the hope that the Township would work with them on their project.

Mr. Dennis outlined that the lake has not been deemed at capacity in the Township's Official Plan. The applicants have maintained the shoreline in a natural state, and they have been good land stewards ensuring protection to the environment. The boathouse will not be connected to the septic system because there will be no human habitation. It was never the intention to have living quarters, only marine storage. The visual impact from the boat port will not be the same level of impact as a boathouse. You can see through a boat port. There are other boat ports in the immediate area. The applicant proposes to use the present staircase as part of the design and the boat port will be over the shoreline, therefore there will be no loss of vegetation. The applicant is willing to come to a compromise on the size so as to not require an amendment to the maximum lot coverage.

Within his presentation, Mr. Dennis noted that there is more flexibility with the Official Plan. He outlined that the Official Plan has two fundamental components with respect to the shoreline, being minimizing environmental and visual impacts. The shoreline has been maintained in a natural state, as previously noted, the owners have been great land stewards. Their cottage is hidden from view with existing mature tree cover unlike other properties in the area where vegetation has been removed exposing the building form. The boat port does not have walls, therefore it will not have the same mass and build as a boathouse and as such, much less visual impact; a boat port is more transparent allowing the natural environment from the rear to show through allowing the natural environment to prevail and not the built form; a flat roof boat port will maintain a low profile, whereas a peaked roof would create more built form; the existing cottage is modest in size and there are only two outbuildings with no bunkies, reducing the clutter and built form on the property; and the boat port will be located in the area where the existing dock is located helping to mitigate any environmental disruption.

Mr. Dennis noted that the new Zoning By-law eliminates the opportunity to construct a reasonably sized boat house along this and many other shorelines in the Township. He commented that it would seem that if anyone were to consider building a boat port, a rezoning would be required.

Based on what Mr. Dennis has presented, it is his opinion that the application generally conforms to the intent of the Official Plan and respectfully requests that the Township approve this application.

Following Mr. Dennis's presentation, the Mayor then asked those members of the public who wish to speak in connection with the proposed Zoning By-law Amendment to stand and clearly state their

name, full address and postal code for the record. There was no one present from the public to comment.

Bruce Dow – 406 Homeland Drive – Address 19 Midland Avenue, Toronto, ON M1N 3Z5

Mr. Dow is opposed to the application as a property owner and Vice President of Clear Lake Property Owners Association (CLPOA). CLPOA represent the majority of owners on Clear Lake. He noted the top five values of lake holders: water quality; keeping the lake different from the city; protecting wildlife on the lake; natural beauty; and peace and tranquillity. His concern now is for the water quality. The lake is getting to be that it is no longer different from the city; the natural beauty is being affected; and the peace and tranquillity is a concern with the emerging partying. He urged Council to reject the application.

Debbie Dale – 524 Homeland Drive, Emsdale, ON P0A 1J0

Debbie Dale is a property owner and the President of CLPOA. She pointed out that community involvement is extremely high. There is zero support of this application. Governance is mandatory. She supports the Zoning By-law and the Official Plan and appreciates the draft process. She fully supports Jim Dymont's Planner Report. She is concerned that if the application is approved, it could be precedent setting. The lake is too small and already at risk. The application is not in character with the lake. There is no control over what future owners may use the structure for. CLPOA had a scientific report completed which confirms that the lake is at capacity. Ms. Dale urges the Township to decline the application.

James Zantingh – 395 Woods Road, Burks Falls, ON

Mr. Zantingh is the 2nd Vice for CLPOA. He represents the commercial owner of Clear Lake who are unanimously opposed to the amendment to the Zoning By-law. They have faith in the Zoning By-law that was implemented by Council last year.

Pete Mazurek – 166 Churchill Gardens Road – 27 Heathwood Court, Cambridge, ON N1R 7W1

Mr. Mazurek is against the project. He is a direct neighbour and noted that the applicants are good neighbours, he just cannot support the project. He has seen this type of structure in magazines, but says it is not for Clear Lake. It is too big. He said there needs to be an alternative, perhaps something smaller. He has seen what overdevelopment does to a lake. Puslinch Lake in Cambridge was overdeveloped and is now a swamp. It impacted the lake quickly and the lake still hasn't recovered. He is concerned of the consequences. He believes the by-law was designed for a reason.

David Adams – 101 Maple Drive, Emsdale, ON P0A 1J0

He is representing the Bay Lake Property Owners Association. He objects to the application. He is worried about the size of this project. He does not feel this boathouse is appropriate for the size of the lake. He appreciates the Zoning By-law and Official Plan that has been put into place. He feels the need for Council to deny the request.

Ron Cox – 508 Homeland Drive – 16 Hazelgray Road, Toronto, ON M6S 1H2

Mr. Cox is a member of CLPOA. He is a water quality expert. CLPOA is involved in the lake partnership program sponsored by the Ministry of Environment over the past 20 years. Over the years he has seen a serious decline in water quality and an increase in phosphorus levels. Dr. Colin Yates from the University of Waterloo has also confirmed the decline in water quality and the increased phosphorus level which cause excess algae growth. Brown algae blooms developed on

Clear Lake in 2013 and in 2014, blue green algae developed, causing the Health Unit to post notices which advised the public not to swim in the lake or drink the water. It is recommended that the shoreline be protected from excess phosphorus loading. Boathouses cause turbulence, which affect the phosphorus levels on the lake. It is his recommendation that the application be rejected.

Mayor Hofstetter then asked the Clerk to the public as to what letters have been received by Council with respect to the application.

The Clerk advised that as of 4:30 p.m. today, the Municipality has received a number of comments on the proposed application. They are as follows:

Letters of Support

1. The applicants, Mr. and Mrs. Josling and family – March 4, 2015

Letters of objection

1. Debbie Dale and Don Klowak — February 14, 2015
2. Debbie Dale, President representing the CLPOA – February 14, 2015
3. Bruce Dow – February 15, 2015
4. Joel Woods – February 15, 2015
5. Geoff Pantling – February 15, 2015
6. Terrilee and Barry Hill – February 15, 2015
7. Bill and Shirley DeConkey – February 16, 2015
8. Wilf and Edda Fischer – February 16, 2015
9. Sue and Craig Higgs – February 16, 2015
10. Donald Pattison and Gina Newhall – February 17, 2015
11. Allan Kaufmann – February 17, 2015
12. Debbie Dale, President CLPOA – further letter dated February 20, 2015
13. Brian Isard – February 23, 2015
14. Laurie Tribble Barkey – February 23, 2015
15. Dan Laing – February 23, 2015
16. Wendy Evelyn – February 25, 2015
17. N.R. and K.E Legge – February 27, 2015
18. Joanne Bascom – February 28, 2015
19. Bill Pasel – February 28, 2015
20. Jack and Mary Reynolds – February 28, 2015
21. Pete and Tina Mazurek – March 1, 2015
22. Keith Locke – March 1, 2015 –
23. Chris and Pauline Stavro – March 1, 2015
24. Kathy Harvey – March 2, 2015
25. Kim Harvey – March 2, 2015
26. Brent and Donna Taylor – March 2, 2015
27. Jan Forgett and family – March 2, 2015
28. Helga and Martin Juergensen – March 2, 2015
29. Sean Barkey – March 3, 2015
30. Murray MacDonald – March 3, 2015
31. Paul and Laurie Welch – March 3, 2015
32. Thomas & Laura Brock – March 3, 2015

- 33. Hilda Isard (Leigh) – March 3, 2015
- 34. Lori Kinrade – March 3, 2015
- 35. Gary Barkey – March 4, 2015

Mayor Hofstetter asked if there were any questions or comments from Council on the proposed Zoning By-law Amendment. Council had no questions or comments.

Mayor Hofstetter advised that those wishing to receive further notice of the passing of the Zoning By-law must make a written request as per previous instruction. He advised that Council will consider the by-law at the April 1st Regular Council Meeting. He outlined that once Council makes a decision on the by-law, there is a 20-day appeal period from the date of notice of passage of the by-law during which time any person may appeal the decision of Council to the Ontario Municipal Board.

Having received questions and comments from the public and Council, Mayor Hofstetter declared this public meeting to be concluded.

Resolution No. 2015-102

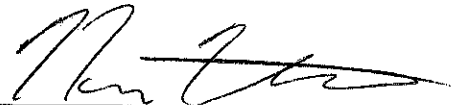
Moved by: Les Rowley

Seconded by: Margaret Ann MacPhail

Be it resolved that the Council of the Township of Perry does hereby now adjourn from this Public Meeting at 7:55 p.m. in order to recommence the Regular Council Meeting of March 4th, 2015.

Carried.

Dated this 18th day of March, 2015



Norm Hofstetter, *Mayor*



Beth Morton, *Clerk/Administrator*