

THE CORPORATION OF THE MUNICIPALITY OF HURON SHORES
October 14, 2020 (20-23) – Special

The Special meeting of the Council of the Corporation of the Municipality of Huron Shores was held on Wednesday, October 14, 2020, and called to order by Mayor Georges Bilodeau at 7:07 p.m.

PRESENT (Council Chambers): Mayor Georges Bilodeau, Councillors Debora Kirby and Jock Pirrie

PRESENT (electronically): Councillors Gord Campbell, Nancy Jones-Scissons, Jane Armstrong, Blair MacKinnon (lost connection from 7:17 – 7:20 p.m.), and Dale Wedgwood

REGRETS: Councillor Darlene Walsh

STAFF (Council Chambers): Clerk/Administrator Deborah Tonelli

STAFF (electronically): Deputy Clerk Natasha Roberts, Treasurer John Stenger, and Planning Consultant Peter Tonazzo.

DELEGATION (electronically):

GALLERY (electronically): Frank Lajambe; Joanne Falk; Gary Garton; Paul Perry; Rob Lecuyer; Ken and Debra Montgomery; Bob Tait; Dave Esson; Dan Gray; Jim Falconer; Cornelia Poeschl; Nancy Richards; David Ratz; and Dave Smith.

AGENDA REVIEW

No changes.

DECLARATION OF PECUNIARY INTEREST

None.

Mayor Bilodeau declared that the purpose of this meeting is to hear comments in support of, or objection to, a Consent for Easement, File No. 2020-C-03, to establish a legal access easement for an existing private road which provides access to properties originally created by Consent in 2009, off Demyne Avenue.

Mayor Bilodeau advised that Planning Consultant, Peter Tonazzo, is present to provide information regarding the application as it relates to planning principles for consideration of rendering a decision.

Mayor Bilodeau declared that following Mr. Tonazzo's presentation, anyone wishing to speak in support of, or objection to, the proposed Consent application will be given the opportunity to do so. Mayor Bilodeau invited Planning Consultant Peter Tonazzo to the floor.

Planning Consultant Peter Tonazzo provided Council with a summary of the history of the application. He advised that the applicant received provisional consent to create four new lots in 2008. As part of this application, the applicant was required to upgrade a portion of Demyne Avenue which was completed and assumed by the municipality. The three lots plus the remnant were all configured in a manner that they all had frontage on the newly upgraded and assumed road. Among a number of conditions, the Ministry of Municipal Affairs and Housing that was the approval authority at that time, agreed that one new private road would be a better solution and that one new private road was intended to be constructed from the updated portion of Demyne Avenue between lots one and two, to the developable areas along the waterfront. It was felt that from an environmental standpoint, due

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to the core deer habitat in that area, that this would be less impactful than four long individual driveways.

In 2009, final approval was granted by the Ministry and the lots were registered. In April 2018, at which point three of the four lots had been sold, it was brought to the Municipality's attention that private access was constructed at a different location than was approved. In this case, the applicant didn't create the road where it was agreed to, but utilized an existing logging road that is further south along the unassumed portion of Demyne Avenue and runs in a more east west direction. Later in 2018, the applicant applied for, and received, preliminary consent to establish a long term easement along the new or current road. At that time, the applicant also upgraded the road, installed a new culvert and brought in some additional gravel to shore up the road base. At that time, approval was recommended on the basis that this new road was in existence, and the lots had already been sold on the basis of where the access was and currently is. It was an after the fact recommendation that made the best of the situation and still does today. Inadvertently, the proper documents were not submitted and registered by the applicant and the preliminary consent lapsed, as per the one year expiry date that is set out in the *Planning Act*. At that time, the Municipality had received no objections.

In September 2020, the applicant re-applied and, at the September 9th Council Meeting, the matter was heard. A letter of objection was received from the Demyne Road Committee, a group of cooperating neighbours that contribute funds to the Committee for the maintenance of the unassumed portion of Demyne Avenue.

Mr. Tonazzo noted that there was a comment in the letter received from the Demyne Road Committee that suggested that they own this portion of road. It has since been confirmed, through a title search, that Demyne Avenue is in fact owned by the Municipality, but that the section in question is unassumed and unmaintained.

The committee also indicated that they were unaware of the application and upon review, it was determined that the required sign, as part of the statutory notice, was not posted. Therefore, the applicant was provided a sign, and public notice was given again for the matter to be heard again this evening. Mr. Tonazzo advised that this was done for two reasons: (1) because the Municipality wishes to provide the proper statutory notice; and (2) to give some additional time for the applicant and the Demyne Road Committee to discuss possible solutions or alternatives, which is what brings us to this evening.

Mr. Tonazzo advised that his recommendation remains the same, which is to approve the application.

Mayor Bilodeau invited anyone present who wishes to comment in support of, or objection to the proposed Consent application to come forward, and to provide their name and address to the Clerk.

Frank Lajambe addressed Council and provided a brief breakdown of the matters that took place leading up to the lapsing of his original consent for easement application. He advised that he updated the road and had all lots serviced. He indicated that where the road was located on the map from 2009 was not a feasible location due to the terrain and it would cause the road to meet at the middle of the hill along the maintained portion of Demyne Avenue, and feels that this location would be problematic in the winter. He expressed that everyone utilizing a road that requires

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maintenance by the property owners, should all be contributing to that cost. Mr. Lajambe advised that he has contributed to the individuals who maintain the road before 2018, as he was utilizing the road to access the lots he currently owned at the time. He advised that, at no time did anyone contact him to request contribution in 2018-2019-2020. Mr. Lajambe advised that he does not have a problem being included in the Demonye Road Committee, and commented that the individuals who purchased the lots would not have a problem contributing either, as they require this easement to access their lots. He expressed his confusion from the response from the Demonye Road Committee, and questioned their position of this easement creating increased traffic along the unmaintained portion of Demonye Avenue. Mr. Lajambe stated that he was prepared to donate a portion of the costs required to upkeep the maintenance on this portion of road.

Gary Garton, representing the Demonye Road Committee, advised that he and Paul Perry approached Mr. Lajambe in regards to installing a culvert at the proposed easement location and requested that gravel be installed on the road. Mr. Garton indicated that Mr. Lajambe provided the committee with one load of gravel which the Demonye Road Committee felt was inadequate. Mr. Garton advised that, because of this, the committee is reluctant to work with Mr. Lajambe going forward.

Mr. Garton provided Council with additional history of Mr. Lajambe's 2008 consent application. He advised that the committee has contributed in an amount close to \$15,000.00 from the bottom of the hill to the proposed easement, with the help of the Roads Donation Program. Mr. Garton expressed his concern over the Planning Report prepared for Council recommending approving the application, and that there had been no complaints in regard to the road. Mr. Garton believes this is inaccurate, and that the owner of Lot 3 had complained about the access; that nothing had been done in terms of drainage. Mr. Garton advised that the Municipality requested that the section of Demonye Avenue be upgraded, which was completed, and the easement location should have been completed out to the middle of the hill which has not been done, and now we are being asked to accept this easement. He stated that the Committee would like to know how an applicant can receive approval and decide to change it later in order to save money. The Committee would like the original road to be developed, or the unassumed portion of the Demonye Road to the corner of the proposed easement, be brought up to a standard whereby the Municipality can maintain it, or put up a gate at the bottom of the hill and allow the Committee to determine who can utilize the road. Mr. Garton advised that the purchasers of the lots created by consent by Mr. Lajambe have declared that they will not contribute to the maintenance of the road. Furthermore, the easement was originally approved to lessen the impact on the deer habitat in the area, but noted, in the Planning Report, the owner of Lot 4 intends to create their own driveway access.

Councillor Pirrie stated that he travelled on Demonye Avenue and from the turnaround to Mr. Garton's driveway, the road is only one lane.

Mr. Garton also advised that the Demonye Road Committee does not think any building permits should be issued until such time as this matter is cleared up. The impact of cranes and cement trucks to build homes will create a lot of traffic.

Mayor Bilodeau requested a follow-up from Peter Tonazzo. Mr. Tonazzo noted that he did have discussions in 2018 with the owner of Lot 3, as he was looking to receive a building permit and was told he couldn't and at this

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point is still the case for all the lots, although the owner of Lot 4 may have a solution.

Issues were identified with the proposed easement at that time and a condition of the 2018 approvals were that Mr. Lajambe was required to install a culvert and bring some additional gravel in. Mr. Tonazzo advised that, at that time, he met with the Public Works Superintendent on site and he felt that the road was consistent with that of a private road and that it was sufficient to get the traffic to and from those four lots.

Mr. Tonazzo addressed Mr. Garton's concerns regarding separate driveways. He advised that lot owners all have frontage onto Demyne Road and that there is nothing stopping each one of the lot owners from constructing their own driveways out to the Municipally maintained portion of Demyne Avenue. It was a concession that the Ministry made, given the impact of four new driveways, in allowing one new driveway to access these four lots, but this doesn't stop the owners from creating their own driveways. Mr. Tonazzo confirmed that, at this point in time, building permits are not being issued.

On a query from Councillor Jones-Scissons, Mr. Tonazzo advised that 911 numbers are totally separate and that no matter where the driveway is located, they will receive a 911 number.

Councillor Jones-Scissons questioned whether bringing this portion of Demyne Avenue would ease some of these issues? She stated that private roads seem to be causing a lot of issues. Mr. Tonazzo agreed that this is another example that really underscores the issues of development on a private road, and advised that in his opinion, it would be difficult to upgrade that portion of Demyne Avenue due to the topography near the intersection with the entrance being used; it would be quite expensive and there may not be room to build the necessary turnaround.

Frank Lajambe spoke to Mr. Garton's comments regarding gravel and advised that he would not have a problem contributing to the Demyne Roads Committee, but no one has made that request.

Mayor Bilodeau queried if there have been any verbal or written comments received in support of or objection to the application, to which Clerk/Administrator advised that she received an email from a ratepayer who did not request to be part of public record. Mr. Tonazzo confirmed that the ratepayer's questions had been answered.

Councillor Campbell queried as to why, during the preparation of the survey and application for the original severance, was the easement location not shown in the location of where the road was intended to be built. Mr. Lajambe responded that the survey was prepared prior to walking the property, where it was then identified that the proposed location or the original location was not feasible. In response to a query by Councillor Campbell, Mr. Lajambe advised that the current location of the easement is the best location for it, and that the original agreement required that access to the four lots be from a municipally owned and maintained road.

Mr. Tonazzo stated that he advised Mr. Lajambe that he never should have agreed to put a road where it wasn't intended to go. Unfortunately, the errors didn't stop there. There was an agreement that included a condition that, prior to the completion of the original severance, the access to the lots be constructed. Unfortunately, the Province finalized the severance without that access being installed, and without anyone checking to make sure the access was put in the right place.

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On a query from Mr. Garton, Mr. Tonazzo advised that there is nothing in the records identifying an Ontario Municipal Board appeal respecting the original severance approval made by the Ministry of Municipal Affairs and Housing, being the approval authority at the time. The appeal process now rests with the Local Planning Appeal Tribunal. The authority respecting Municipal Consents has been transferred to the Municipality and hence why the Municipality is addressing this application. As the approval authority, the Municipality has the authority to make a decision respecting the application. It may approve, deny or amend in some way.

There being no further questions or comments, Mayor Bilodeau advised that Council will take the comments provided this evening into consideration.

Mayor Bilodeau thanked those who joined the meeting this evening and declared the Public Meeting closed at 7:43 p.m.

MAYOR

CLERK